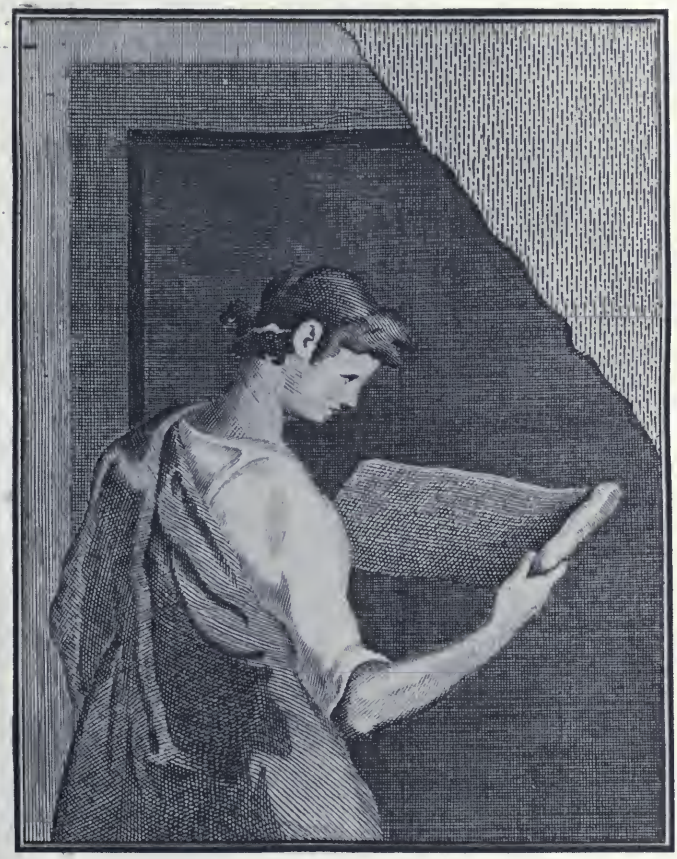

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LIFE OF CICERO

VOLUME I

THE

LIFE OF CICERO

BY

ANTHONY TROLLOPE

IN TWO VOLUMES

VOL. I

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THE

LIFE OF CICERO.

CHAPTER I.

INTRODUCTION.

I AM conscious of a certain audacity in thus attempting to give a further life of Cicero which I feel I may probably fail in justifying by any new information; and on this account the enterprise, though it has been long considered, has been postponed, so that it may be left for those who come after me to burn or publish as they may think proper;—or should it appear during my life I may have become callous through age to criticism.

The project of my work was anterior to the life by Mr. Forsyth, and was first suggested to me as I was reviewing the earlier volumes of Dean Merivale's History of the Romans under the Empire. In an article on the Dean's work, prepared for one of the magazines of the day, I inserted an apology for the character of Cicero which was found to be

too long as an episode, and was discarded by me, not without regret. From that time the subject has grown in my estimation till it has reached its present dimensions.

I may say with truth that my book has sprung from love of the man, and from a heartfelt admiration of his virtues and his conduct as well as of his gifts. I must acknowledge that in discussing his character with men of letters, as I have been prone to do, I have found none quite to agree with me. His intellect they have admitted and his industry; but his patriotism they have doubted, his sincerity they have disputed, and his courage they have denied. It might have become me to have been silenced by their verdict, but I have rather been instigated to appeal to the public and to ask them to agree with me against my friends. It is not, only, that Cicero has touched all matters of interest to men and has given a new grace to all that he has touched, that as an orator, a rhetorician, an essayist, and a correspondent he was supreme, that as a statesman he was honest, as an advocate fearless, and as a governor pure,—that he was a man whose intellectual part always dominated that of the body, that in taste he was excellent, in thought both correct and enterprising, and that in language he was perfect. All this has been already so said of him by other biographers. Plutarch, who is as familiar to us as though he had been English, and Middleton, who thoroughly loved his subject, and latterly Mr. Forsyth, who has struggled to be honest to him, might have sufficed as telling us so much as that. But there was a humanity in Cicero, a something almost of Christianity, a stepping forward out of the dead intellectualities of Roman

life into moral perceptions, into natural affections, into domesticity, philanthropy and conscious discharge of duty, which do not seem to have been as yet fully appreciated. To have loved his neighbour as himself before the teaching of Christ was much for a man to achieve; and that he did this is what I claim for Cicero and hope to bring home to the minds of those who can find time for reading yet another added to the constantly increasing volumes about Roman times.

It has been the habit of some latter writers, who have left to Cicero his literary honours, to rob him of those which had been accorded to him as a politician. Macaulay, expressing his surprise at the fecundity of Cicero, and then passing on to the praise of the Philippics as senatorial speeches, says of him that he seems to have been at the head of the "minds of the second order." We cannot judge of the classification without knowing how many of the great men of the world are to be included in the first rank. But Macaulay probably intended to express an opinion that Cicero was inferior because he himself had never dominated others as Marius had done, and Sylla, and Pompey, and Cæsar, and Augustus. But what if Cicero was ambitious for the good of others while these men had desired power only for themselves!

Dean Merivale says that Cicero was "discreet and decorous,"—as with a similar sneer another clergyman, Sydney Smith, ridiculed a Tory prime minister because he was true to his wife. There is nothing so open to the bitterness of a little joke as those humble virtues by which no glitter can be gained but only the happiness of many preserved. And the Dean declares that Cicero himself was not, except once or

twice, and for a "moment only, a real power in the state." Men who usurped authority, such as those I have named, were the "real powers," and it was in opposition to such usurpation that Cicero was always urgent. Mr. Forsyth who, as I have said, strives to be impartial, tells us that "the chief fault of Cicero's moral character was a want of sincerity." Absence of sincerity there was not. Deficiency of sincerity there was. Who among men has been free from such blame since history and the lives of men were first written? It will be my object to show that though less than godlike in that gift, by comparison with other men around him he was sincere;—as he was also self-denying, which, if the two virtues be well examined, will indicate the same phase of character.

But of all modern writers Mr. Froude has been the hardest to Cicero. His sketch of the life of Cæsar is one prolonged censure on that of Cicero. Our historian, with all that glory of language for which he is so remarkable, has covered the poor orator with obloquy. There is no period in Cicero's life so touching, I think, as that during which he was hesitating whether, in the service of the Republic, it did or did not behove him to join Pompey before the battle of Pharsalia. At this time he wrote to his friend Atticus various letters full of agonising doubts,—as to what was demanded from him by his duty to his country, by his friendship for Pompey, by loyalty to his party, and by his own dignity. As to a passage in one of these Mr. Froude says "that Cicero had lately spoken of Cæsar's continuance in life as a disgrace to the State." "It has been seen also that he had long thought of assas-

sination as the readiest means of ending it,"[1] says Mr. Froude. The "It has been seen" refers to a statement made a few pages earlier, in which he translates certain words written by Cicero to Atticus.[2] "He considered it a disgrace to them that Cæsar was alive." That is his translation; and in his indignation he puts other words as it were into the mouth of his literary brother of two thousand years before. "Why did not somebody kill him?" The Latin words themselves are added in a note, "Cum vivere ipsum turpe sit nobis."[3] Hot indignation has so carried the translator away that he has missed the very sense of Cicero's language. "When even to draw the breath of life at such a time is a disgrace to us!" That is what Cicero meant. Mr. Froude in a preceding passage gives us another passage from a letter to Atticus,[4] "Cæsar was mortal."[5] So much is an intended translation. Then Mr. Froude tells us how Cicero had "hailed Cæsar's eventual murder with rapture;" and goes on to say;—"We read the words with sorrow and yet with pity." But Cicero had never dreamed of Cæsar's murder. The words of the passage are as follows; "Hunc primum mortalem esse, deinde etiam multis modis extingui posse cogitabam." "I bethought myself in the first place that this man was mortal, and then that there were a hundred ways in which he might be put on one side." All the latter authorities have, I believe, supposed the "hunc" or "this man" to be Pompey. I should say that this was proved by the gist of the whole letter,—one of the most interesting

[1] Froude's Cæsar, p. 444.
[2] Ibid. p. 428.
[3] Ad Att. lib. xiii. 28.
[4] Ad Att. ix. 10.
[5] Froude, p. 365.

that was ever written, as telling the workings of a great man's mind at a peculiar crisis of his life,—did I not know that former learned editors have supposed Cæsar to have been meant. But whether Cæsar or Pompey, there is nothing in it to do with murder. It is a question,—Cicero is saying to his friend,—of the stability of the Republic. When a matter so great is considered, how is a man to trouble himself as to an individual who may die any day, or cease from any accident to be of weight? Cicero was speaking of the effect of this or that step on his own part. Am I, he says, for the sake of Pompey to bring down hordes of barbarians on my own country, sacrificing the Republic for the sake of a friend who is here to-day and may be gone to-morrow? Or for the sake of an enemy, if the reader thinks that the "hunc" refers to Cæsar. The argument is the same. Am I to consider an individual when the Republic is at stake? Mr. Froude tells us that he reads "the words with sorrow and yet with pity." So would every one, I think, sympathising with the patriot's doubts as to his leader, and to his party, and as to his country. Mr. Froude does so because he gathers from them that Cicero is premeditating the murder of Cæsar!

It is natural that a man should be judged out of his own mouth. A man who speaks much and so speaks that his words shall be listened to and read, will be so judged. But it is not too much to demand that when a man's character is at stake his own words shall be thoroughly sifted before they are used against him.

The writer of the biographical notice in the Encyclopædia Britannica on Cicero, sends down to posterity a statement

that in the time of the first triumvirate, when our hero was withstanding the machinations of Cæsar and Pompey against the liberties of Rome, he was open to be bought. The augurship would have bought him. "So pitiful," says the biographer, "was the bribe to which he would have sacrificed his honour, his opinions, and the commonwealth!" With no more sententious language was the character of a great man ever offered up to public scorn. And on what evidence? We should have known nothing of the bribe and the corruption but for a few playful words in a letter from Cicero himself to Atticus. He is writing from one of his villas to his friend in Rome and asks for the news of the day. Who are to be the new consuls? Who is to have the vacant augurship? Ah, says he, they might have caught even me with that bait;[1]—as he said on another occasion that he was so much in debt as to be fit for a rebel; and again, as I shall have to explain just now, that he was like to be called in question under the Cincian law because of a present of books! This was just at the point of his life when he was declining all offers of public service,—of public service for which his soul longed,—because they were made to him by Cæsar. It was then that the "Vigintiviratus" was refused which Quintillian mentions to his honour. It was then that he refused to be Cæsar's lieutenant. It was then that he might have been fourth with Cæsar, and Pompey, and Crassus,—had he not felt himself bound not to serve against the Republic. And yet the biographer does not hesitate to load him with infamy

[1] Ad Att. lib. ii. 5, "Quo quidem uno ego ab istis capi possum."

because of a playful word in a letter half jocose and half pathetic to his friend. If a man's deeds be always honest, surely he should not be accused of dishonesty on the strength of some light word spoken in the confidence of familiar intercourse. The light words are taken to be grave because they meet the modern critic's eye clothed in the majesty of a dead language; and thus it comes to pass that their very meaning is misunderstood.

My friend Mr. Collins speaks in his charming little volume on Cicero, of "quiet evasions" of the Cincian law,[1] and tells us that we are taught by Cicero's letters not to trust Cicero's words when he was in a boasting vein. What has the one thing to do with the other? He names no quiet evasions. Mr. Collins makes a surmise, by which the character of Cicero for honesty is impugned—without evidence. The anonymous biographer altogether misinterprets Cicero. Mr. Froude charges Cicero with anticipation of murder, grounding his charge on words which he has not taken the trouble to understand. Cicero is accused on the strength of his own private letters. It is because we have not the private letters of other persons that they are not so accused. The courtesies of the

[1] The Cincian law, of which I shall have to speak again, forbade Roman advocates to take any payment for their services. Cicero expressly declares that he has always obeyed that law. He accused others of disobeying it, as, for instance, Hortensius. But no contemporary has accused him. Mr. Collins refers to some books which had been given to Cicero by his friend Pœtus. They are mentioned in a letter to Atticus, lib. i. 20; and Cicero, joking, says that he has consulted Cincius,—perhaps some descendant of him who made the law 145 years before,—as to the legality of accepting the present. But we have no reason for supposing that he had ever acted as an advocate for Pœtus.

world exact, I will not say demand, certain deviations from straightforward expression; and these are made most often in private conversations and in private correspondence. Cicero complies with the ways of the world; but his epistles are no longer private, and he is therefore subjected to charges of falsehood. It is because Cicero's letters, written altogether for privacy, have been found worthy to be made public that such accusations have been made. When the injustice of these critics strikes me, I almost wish that Cicero's letters had not been preserved.

As I have referred to the evidence of those who have, in these latter days, spoken against Cicero, I will endeavour to place before the reader the testimony of his character which was given by writers, chiefly of his own nation, who dealt with his name for the hundred and fifty years after his death, from the time of Augustus down to that of Adrian, a period much given to literature, in which the name of a politician and a man of literature would assuredly be much discussed. Readers will see in what language he was spoken of by those who came after him. I trust they will believe that if I knew of testimony on the other side, of records adverse to the man, I would give them. The first passage, to which I will allude does not bear Cicero's name; and it may be that I am wrong in assuming honour to Cicero from a passage in poetry, itself so famous, in which no direct allusion is made to himself. But the idea that Virgil in the following lines refers to the manner in which Cicero soothed the multitude who rose to destroy the theatre when the knights took their front seats in accordance with Otho's law,

does not originate with me. I give the lines as translated by Dryden, with the original in a note.[1]

> " As when in tumults rise the ignoble crowd,
> Mad are their motions, and their tongues are loud ;
> And stones and brands in rattling volleys fly,
> And all the rustic arms that fury can supply ;
> If then some grave and pious man appear,
> They hush their noise, and lend a listening ear ;
> He soothes with sober words their angry mood,
> And quenches their innate desire of blood."

This, if it be not intended for a portrait of Cicero on that occasion, exactly describes his position and his success. We have a fragment of Cornelius Nepos, the biographer of the Augustan age, declaring that at Cicero's death men had to doubt whether literature or the Republic had lost the most.[2] Livy declared of him only, that he would be the best writer of Latin prose who was most like to Cicero.[3] Velleius Paterculus, who wrote in the time of Tiberius, speaks of Cicero's achievements with the highest honour. "At this period," he says, "lived Marcus Cicero, who owed everything to himself, a man of altogether a new family, as distinguished for ability as he was for the purity of his life."[4] Valerius Maximus

[1] Virgil, Æneid, i. 150—

> " Ac, veluti magno in populo quum sæpe coorta est
> Seditio, sævitque animis ignobile vulgus ;
> Jamque faces, et saxa volant ; furor arma ministrat :
> Tum, pietate gravem ac meritis si forte virum quem
> Conspexere, silent, arrectisque auribus adstant ;
> Iste regit dictis animos, et pectora mulcet."

[2] The author is saying that a history from Cicero would have been invaluable, and the words are "interitu ejus utrum respublica an historia magis doleat."

[3] Quintillian tells us this, lib. ii. c. 5. The passage of Livy is not extant, The commentators suppose it to have been taken from a letter to his son.

[4] Velleius Paterculus, lib. ii. c. 34.

quotes him as an example of a forgiving character.[1] Perhaps the warmest praise ever given to him came from the pen of Pliny the Elder, from whose address to the memory of Cicero I will quote only a few words, as I shall refer to it more at length when speaking of his consulship. "Hail thou," says Pliny, "who first among men was called the father of your country."[2] Martial, in one of his distichs, tells the traveller that if he have but a book of Cicero's writing he may fancy that he is travelling with Cicero himself.[3] Lucan, in his bombastic verse, declares how Cicero dared to speak of peace in the camp of Pharsalia. The reader may think that Cicero should have said nothing of the kind, but Lucan mentions him with all honour.[4] Not Tacitus, as I think, but some author whose essay De Oratoribus was written about the time of Tacitus, and whose work has come to us with the name of Tacitus, has told us of Cicero that he was a master of logic, of ethics, and of physical science.[5] Everybody remembers the passage in Juvenal,—

"Sed Roma parentem
Roma patrem patriæ Ciceronem libera dixit."

"Rome, even when she was free, declared him to be the

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[1] Valerius Maximus, lib. iv. c. 2 ; 4.

[2] Pliny, Hist. Nat. lib. vii. xxxi. 30.

[3] Martial, lib. xiv. 188.

[4] Lucan, lib. vii. 62—

"Cunctorum voces Romani maximus auctor
Tullius eloquii, cujus sub jure togaque
Pacificas sævus tremuit Catilina secures,
Pertulit, iratus bellis, cum rostra forumque
Optaret passus tam longa silentia miles.
Addidit invalidæ robur facundia causæ."

[5] Tacitus, De Oratoribus, xxx.

father of his country."[1] Even Plutarch, who generally seems to have a touch of jealousy when speaking of Cicero, declares that he verified the prediction of Plato; "That every State would be delivered from its calamities whenever power should fortunately unite with wisdom and justice in one person."[2] The praises of Quintillian as to the man are so mixed with the admiration of the critic for the hero of letters, that I would have omitted to mention them here were it not that they will help to declare what was the general opinion as to Cicero at the time in which it was written. He has been speaking of Demosthenes,[3] and then goes on; "Nor in regard to Cicero do I see that he ever failed in the duty of a good citizen. There is in evidence of this, the splendour of his consulship, the rare integrity of his provincial administration, his refusal of office under Cæsar,[4] the firmness of his mind on the civil wars, giving way neither to hope nor fear, though these sorrows came heavily on him in his old age. On all these occasions he did the best he could for the Republic." Florus, who wrote after the twelve Cæsars, in the time of Trajan and of Adrian, whose rapid summary of Roman events can hardly be called a history, tells us, in a few words, how Catiline's conspiracy was crushed by the authority of Cicero and Cato in opposition to that of Cæsar.[5] Then, when he has passed in a

[1] Juvenal, viii. 243.

[2] Demosthenes and Cicero compared.

[3] Quintillian, xii. 1.

[4] "Repudiatus vigintiviratus." He refused a position of official value rendered vacant by the death of one Cosconius. See Letters to Atticus, 2, 19.

[5] Florus, lib. iv. 1. In a letter from Essex to Foulke Greville, the writing of which has been attributed to Bacon by Mr. Spedding, Florus is said simply

few short chapters over all the intervening history of the Roman empire, he relates, in pathetic words, the death of Cicero. "It was the custom in Rome to put up on the rostra the heads of those who had been slain. But now the city was not able to restrain its tears when the head of Cicero was seen there upon the spot from which the citizens had so often listened to his words."[1] Such is the testimony given to this man by the writers who may be supposed to have known most of him as having been nearest to his time. They all wrote after him. Sallust, who was certainly his enemy, wrote of him in his lifetime, but never wrote in his dispraise. It is evident that public opinion forbade him to do so. Sallust is never warm in Cicero's praise as were those subsequent authors whose words I have quoted, and has been made subject to reproach for envy, for having passed too lightly over Cicero's doings and words in his account of Catiline's conspiracy; but what he did say was to Cicero's credit. Men had heard of the danger, and therefore, says Sallust,[2] "They conceived the idea of entrusting the consulship to Cicero. For before that the nobles were envious, and thought that the consulship would be polluted if it were conferred on a *novus homo,* however distinguished. But when danger came envy and pride had to give way." He afterwards declares that Cicero made a speech against Catiline most brilliant, and at the same time useful to the Republic. This was lukewarm praise; but coming from

to have epitomised Livy (Life, vol. ii. p. 23.) In this, I think, that Bacon has shorn him of his honours.

[1] Florus, lib. iv. 6.

[2] Sallust, Catilinaria, xxiii.

Sallust, who would have censured if he could, it is as eloquent as any eulogy. There is extant a passage attributed to Sallust, full of virulent abuse of Cicero, but no one now imagines that Sallust wrote it. It is called the Declamation of Sallust against Cicero, and bears intrinsic evidence that it was written in after years. It suited some one to forge pretended invectives between Sallust and Cicero, and is chiefly noteworthy here because it gives to Dio Cassius a foundation for the hardest of hard words he said against the orator.[1]

Dio Cassius was a Greek who wrote in the reign of Alexander Severus, more than two centuries and a half after the death of Cicero, and he no doubt speaks evil enough of our hero. What was the special cause of jealousy on his part cannot probably be now known, but the nature of his hatred may be gathered from the passage in the note,—which is so foul-mouthed that it can be only inserted under the veil of his own language.[2] Among other absurdities Dio Cassius says

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[1] I will add the concluding passage from the pseudo-declamation in order that the reader may see the nature of the words which were put into Sallust's mouth ;—

"Quos tyrannos appellabas, eorum nunc potentiæ faves; qui tibi ante optumates videbantur, eosdem nunc dementes ac furiosos vocas ; Vatinii caussam agis, de Sextio male existumas ; Bibulum petulantissumis verbis lædis, laudas Cæsarem ; quem maxume odisti, ei maxume obsequeris. Aliud stans, aliud sedens, de republica sentis ; his maledicis, illos odisti ; levissume transfuga, neque in hac, neque illa parte fidem habes." Hence Dio Cassius declared that Cicero had been called a turncoat. "*καὶ αὐτόμαλος ὠνομάζετο.*"

[2] Dio Cassius, lib. xlvi. 18—

"*πρὸς ἣν καὶ αὐτὴν τοιαύτας ἐπίστολας γραφεῖς οἵας ἂν γράψειεν ἀνὴρ σκωπτόλης ἀθυρύγλωρρος . . . καὶ προσέτι καὶ τὸ στόμα αὐτοῦ διαβάλλειν ἐπεχείρησε τυσαύτη ἀσελγεία καὶ ἀκαθαρσία παρὰ πάντα τὸν βιὸν χρώμενος ὥστε μηδὲ τῶν συγγενεστάτων ἀπέχεσθαι, ἀλλὰ τήν τε γυναῖκα προαγωγεύειν καὶ τὴν θυγατέρα μοιχεύειν.*"

of Cicero, that in his latter days he put away a gay young wife, forty years younger than himself, in order that he might enjoy, without disturbance, the company of another lady who was nearly as much older than himself as his wife was younger!

Now I ask, having brought forward so strong a testimony, not, I will say, as to the character of the man, but of the estimation in which he was held by those who came shortly after him in his own country; having shown, as I profess that I have shown, that his name was always treated with singular dignity and respect not only by the lovers of the old Republic but by the minions of the Empire; having found that no charge was ever made against him either for insincerity or cowardice or dishonesty by those who dealt commonly with his name, am I not justified in saying that they who have in later days accused him should have shown their authority? Their authority they have always found in his own words. It is on his own evidence against himself that they have depended;—on his own evidence, or occasionally on their own surmises. When we are told of his cowardice,—because those human vacillations of his, humane as well as human, have been laid bare to us as they came quivering out of his bosom on to his fingers! He is a coward to the critics because they have written without giving themselves time to feel the true meaning of his own words. If we had only known his acts and not his words,—how he stood up against the judges at the trial of Verres, with what courage he encountered the responsibility of his doings at the time of Catiline, how he joined Pompey in Macedonia

from a sense of sheer duty, how he defied Antony when to defy Antony was probable death,—then we should not call him a coward! It is out of his own mouth that he is condemned. Then surely his words should be understood! Queen Christina says of him, in one of her maxims, that "Cicero was the only coward that was capable of great actions." The Queen of Sweden, whose sentences are never worth very much, has known her history well enough to have learned that Cicero's acts were noble, but has not understood the meaning of words sufficiently to extract from Cicero's own expressions their true bearing. The bravest of us all if he is in high place, has to doubt much, before he can know what true courage will demand of him; and these doubts the man of words will express, if there be given to him an *alter ego* such as Cicero had in Atticus.

In reference to the biography of Mr. Forsyth I must in justice both to him and to Cicero, quote one passage from the work; "Let those who like De Quincey,[1] Mommsen, and others, speak disparagingly of Cicero, and are so lavish in praise of Cæsar, recollect that Cæsar never was troubled by a conscience." Here it is that we find that advance almost to Christianity of which I have spoken, and that superiority of inward being which makes Cicero the most fit to be loved of all the Romans.

[1] As it happens De Quincey specially calls Cicero a man of conscience. "Cicero is one of the very few Pagan statesmen who can be described as a thoroughly conscientious man," he says. The purport of his illogical essay on Cicero is no doubt thoroughly hostile to the man. It is chiefly worth reading on account of the amusing virulence with which Middleton, the biographer, is attacked.

It is hard for a man, even in regard to his own private purposes, to analyse the meaning of a conscience, if he put out of question all belief in a future life. Why should a man do right if it be not for a reward here or hereafter? Why should anything be right—or wrong? The Stoics tried to get over the difficulty by declaring that if a man could conquer all his personal desires he would become, by doing so, happy, and would therefore have achieved the only end at which a man can rationally aim. The school had many scholars, but probably never a believer. The normal Greek or Roman might be deterred by the law, which means fear of punishment, or by the opinion of his neighbours, which means ignominy. He might recognise the fact, that comfort would combine itself with innocence, or disease and want with lust and greed. In this there was little need of a conscience;—hardly perhaps room for it. But when ambition came, with all the opportunities that chance, audacity, and intellect would give,—as it did to Sylla to Cæsar and to Augustus,—then there was nothing to restrain the men. There was to such a man no right but his power, no wrong but opposition to it. His cruelty or his clemency might be more or less as his conviction of the utility of this or that other weapon for dominating men might be strong with him. Or there might be some variation in the flowing of the blood about his heart which might make a massacre of citizens a pleasing diversion or a painful process to him. But there was no conscience. With the man of whom we are about to speak conscience was strong. In his sometimes doubtful wanderings after political wisdom,—in those

mental mazes which have been called insincerity,—we shall see him, if we look well into his doings, struggling to find whether in searching for what was his duty he should go to this side or tothat. Might he best hope a return to that state of things which he thought good for his country by adhering to Cæsar or to Pompey? We see the workings of his conscience, and, as we remember that Scipio's dream of his, we feel sure that he had, in truth within him, a recognition of a future life.

In discussing the character of a man, there is no course of error so fertile as the drawing of a hard and fast line. We are attracted by salient points and seeing them clearly we jump to conclusions, as though there were a lighthouse on every point by which the nature of the coast would certainly be shown to us. And so it will, if we accept the light only for so much of the shore as it illumines. But to say that a man is insincere because he has vacillated in this or the other difficulty, that he is a coward because he has feared certain dangers, that he is dishonest because he has swerved, that he is a liar because an untrue word has been traced to him, is to suppose that you know all the coast because one jutting headland has been defined to you. He who so expresses himself on a man's character is either ignorant of human nature,—or is in search of stones with which to pelt his enemy. "He has lied! He has lied!" How often in our own political contests do we hear the cry with a note of triumph! And if he have,—how often has he told the truth? And if he have,—how many are entitled by pure innocence in that matter to throw a stone at him?

And if he have—do we not know how lies will come to the tongue of a man without thought of lying? In his stoutest efforts after the truth a man may so express himself that when afterwards he is driven to compare his recent and his former words, he shall hardly be able to say even to himself that he has not lied. It is by the tenor of a man's whole life that we must judge him, whether he be a liar or no.

To expect a man to be the same at sixty as he was at thirty, is to suppose that the sun at noon shall be graced with the colours which adorn its setting. And there are men whose intellects are set on so fine a pivot that a variation in the breeze of the moment, which coarser minds shall not feel, will carry them round with a rapidity which baffles the common eye. The man who saw his duty clearly on this side in the morning shall, before the evening come, recognise it on the other; and then again, and again, and yet again the vane shall go round. It may be that an instrument shall be too fine for our daily uses. We do not want a clock to strike the minutes, or a glass to tell the momentary changes in the atmosphere. It may be found that for the work of the world, the coarse work,—and no work is so coarse, though none is so important, as that which falls commonly into the hands of statesmen,—instruments strong in texture, and by reason of their rudeness not liable to sudden impressions, may be the best. That it is which we mean when we declare that a scrupulous man is impractical in politics. But the same man may, at various periods of his life, and on various days at the same period, be scrupulous and unscrupulous, impractical and practical, as the circumstances

of the occasion may affect him. At one moment the rule of simple honesty will prevail with him. "Fiat justitia, ruat cœlum." "Si fractus illabatur orbis Impavidum ferient ruinæ." At another he will see the necessity of a compromise for the good of the many. He will tell himself that if the best cannot be done, he must content himself with the next best. He must shake hands with the imperfect, as the best way of lifting himself up from a bad way towards a better. In obedience to his very conscience he will temporise, and, finding no other way of achieving good, will do even evil that good may come of it. "Rem si possis recte; si non, quocunque modo rem." In judging of such a character as this a hard and fast line will certainly lead us astray. In judging of Cicero such a hard and fast line has too generally been used. He was a man singularly sensitive to all influences. It must be admitted that he was a vane, turning on a pivot finer than those on which statesmen have generally been made to work. He had none of the fixed purpose of Cæsar, or the unflinching principle of Cato. They were men cased in brass, whose feelings nothing could hurt. They suffered from none of those inward flutterings of the heart, doubtful aspirations, human longings, sharp sympathies, dreams of something better than this world, fears of something worse, which make Cicero so like a well-bred polished gentleman of the present day. It is because he was so little like a Roman that he is of all the Romans the most attractive.

Still there may be doubt whether with all the intricacies of his character his career was such as to justify a further

biography at this distance of time. "What's Hecuba to him or he to Hecuba?" asks Hamlet, when he finds himself stirred by the passion thrown into the bare recital of an old story by an itinerant player. What is Cicero to us of the nineteenth century that we should care so much for him as to read yet another book? Nevertheless Hamlet was moved because the tale was well told. There is matter in the earnestness, the pleasantness, the patriotism, and the tragedy of the man's life to move a reader still,—if the story could only be written of him as it is felt! The difficulty lies in that and not in the nature of the story.

The period of Cicero's life was the very turning-point of civilisation and government in the history of the world. At that period of time the world, as we know it, was Rome. Greece had sunk. The Macedonian Empire had been destroyed. The kingdoms of the East whether conquered,—or even when conquering as was Parthia for a while,—were barbaric, outside the circle of cultivation, and to be brought into it only by the arms and influence of Rome. During Cæsar's career Gaul was conquered; and Britain, with what was known of Germany, supposed to be partly conquered. The subjugation of Africa and Spain was all but completed. Letters too had been, or were being, introduced. Cicero's use of language was so perfect that it seems to us to have been almost necessarily the result of a long established art of Latin literature. But in truth he is the earliest of the prose writers of his country with whose works we are familiar. Excepting Varro, who was born but ten years before him, no earlier Latin prose writer has left more than

a name to us; and the one work by which Varro is at all known, the De Re Rustica, was written after Cicero's death. Lucretius, whose language we regard as almost archaic, so unlike is it to that of Virgil or Horace, was born eight years after Cicero. In a great degree Cicero formed the Latin language,—or produced that manipulation of it which has made it so graceful in prose, and so powerful a vehicle of thought. That which he took from any Latin writer he took from Terence.

And it was then, just then, that there arose in Rome that unpremeditated change in its form of government which resulted in the self-assumed dictatorship of Cæsar, and the usurpation of the Empire by Augustus. The old Rome had had kings. Then the name and the power became odious;—the name to all the citizens no doubt, but the power simply to the nobility who grudged the supremacy of one man. The kings were abolished, and an oligarchy was established under the name of a Republic, with its annual magistrates,—at first its two Consuls, then its Prætors and others, and occasionally a Dictator as some current event demanded a concentration of temporary power in a single hand for a certain purpose. The Republic was no Republic as we understand the word. Nor did it ever become so, though there was always going on a perpetual struggle to transfer the power from the nobles to the people in which something was always being given or pretended to be given to the outside class. But so little was as yet understood of liberty that as each plebeian made his way up into high place and became one of the magistrates of the State, he became also one of

the oligarchical faction. There was a continued contest, with a certain amount of good faith on each side, on behalf of the so-called Republic,—but still a contest for power. This became so continued that a foreign war was at times regarded as a blessing because it concentrated the energies of the State, which had been split and used by the two sections—by each against the other. It is probably the case that the invasion of the Gauls in earlier days, and, later on, the second Punic war, threatening as they were in their incidents to the power of Rome, provided the Republic with that vitality which kept it so long in existence. Then came Marius dominant on one side as a tribune of the people, and Sylla as aristocrat on the other, and the civil wars between them in which, as one prevailed or the other, Rome was massacred. How Marius died, and Sylla reigned for three bloody fatal years, is outside the scope of our purpose,—except in this that Cicero saw Sylla's proscriptions and made his first essay into public life hot with anger at the Dictator's tyranny.

It occurs to us as we read the history of Rome, beginning with the early Consuls and going to the death of Cæsar and of Cicero and the accomplished despotism of Augustus, that the Republic could not have been saved by any efforts, and was in truth not worth the saving. We are apt to think, judging from our own idea of liberty, that there was so much of tyranny, so little of real freedom in the Roman form of government, that it was not good enough to deserve our sympathies. But it had been successful. It had made a great people and had produced a wide-spread civilisation. Roman citizenship was to those outside the one thing the

most worthy to be obtained. That career which led the great Romans up from the state of Quæstor, to the Ædiles, Prætor's, and Consul's chair, and thence to the rich reward of provincial government, was held to be the highest then open to the ambition of man. The Kings of Greece, and of the East, and of Africa were supposed to be inferior in their very rank to a Roman Proconsul, and this greatness was carried on with a semblance of liberty, and was compatible with a belief in the majesty of the Roman citizen. When Cicero began his work, Consuls, Prætors, Ædiles and Quæstors, were still chosen by the votes of the citizens. There was bribery, no doubt, and intimidation, and a resort to those dirty arts of canvassing with which we English have been so familiar; but in Cicero's time the male free inhabitants of Rome did generally carry the candidates to whom they attached themselves. The salt of their republican theory was not as yet altogether washed out from their practice.

The love of absolute Liberty as it has been cultivated among modern races did not exist in the time of Cicero. The idea never seems to have reached even his bosom, human and humanitarian as were his sympathies, that a man, as man, should be free. Half the inhabitants of Rome were slaves, and the institution was so grafted in the life of the time that it never occurred to a Roman, that slaves as a body, should be manumitted. The slaves themselves, though they were not, as have been the slaves whom we have seen, of a different colour and presumed inferior race, do not themselves seem to have entertained any such idea. They were instigated

now and again to servile wars, but there was no rising in quest of freedom generally. Nor was it repugnant to the Roman theory of liberty that the people whom they dominated, though not subjected to slavery, should still be outside the pale of civil freedom. That boon was to be reserved for the Roman citizen, and for him only. It had become common to admit to citizenship, the inhabitants of other towns and further territories. The glory was kept not altogether for Rome,—but for Romans.

Thus, though the government was oligarchical, and the very essence of freedom ignored, there was a something which stood in the name of Liberty, and could endear itself to a real patriot. With genuine patriotism Cicero loved his country, and beginning his public life as he did at the close of Sylla's tyranny, he was able to entertain a dream that the old state of things might be restored and the republican form of government maintained. There should still be two Consuls in Rome whose annual election would guard the State against regal dominion. And there should, at the same time, be such a continuance of power in the hands of the better class,—the "optimates" as he called them,—as would preserve the city from democracy and revolution. No man ever trusted more entirely to popular opinion than Cicero, or was more anxious for aristocratic authority. But neither in one direction nor the other did he look for personal aggrandisement,—beyond that which might come to him in accordance with the law and in subjection to the old form of government.

It is because he was in truth patriotic, because his dreams of a Republic were noble dreams, because he was intent on

doing good in public affairs, because he was anxious for the honour of Rome and of Romans, not because he was or was not a "real power in the State," that his memory is still worth recording. Added to this was the intellect and the wit and erudition of the man which were at any rate supreme. And then though we can now see that his efforts were doomed to failure by the nature of the circumstances surrounding him, he was so nearly successful, so often on the verge of success, that we are exalted by the romance of his story into the region of personal sympathy. As we are moved by the aspirations and sufferings of a hero in a tragedy, so are we stirred by the efforts, the fortune, and at last the fall of this man. There is a picturesqueness about the life of Cicero which is wanting in the stories of Marius or Sylla, of Pompey or even of Cæsar, — a picturesqueness which is produced in great part by these very doubtings which have been counted against him as insincerity.

His hands were clean when the hands of all around him were defiled by greed. How infinitely Cicero must have risen above his time when he could have clean hands! A man in our days will keep himself clean from leprosy because to be a leper is to be despised by those around him. Advancing wisdom has taught us that such leprosy is bad, and public opinion coerces us. There is something too, we must suppose, in the lessons of Christianity. Or it may be that the man of our day, with all these advantages does not keep himself clean,—that so many go astray that public opinion shall almost seem to tremble in the balance. Even with us this and that abomination becomes allowable because

so many do it. With the Romans, in the time of Cicero, greed, feeding itself on usury, rapine and dishonesty, was so fully the recognised condition of life that its indulgence entailed no disgrace. But Cicero, with eyes within him which saw further than the eyes of other men, perceived the baseness of the stain. It has been said also of him that he was not altogether free from reproach. It has been suggested that he accepted payment for his services as an advocate, any such payment being illegal. The accusation is founded on the knowledge that other advocates allowed themselves to be paid and on the belief that Cicero could not have lived as he did without an income from that source. And then there is a story told of him that though he did much at a certain period of his life to repress the usury,—and to excite at the same time the enmity of a powerful friend,—he might have done more. As we go on the stories of these things will be told; but the very nature of the allegations against him prove how high he soared in honesty above the manners of his day. In discussing the character of the men, little is thought of the robberies of Sylla, the borrowings of Cæsar, the money-lending of Brutus, or the accumulated wealth of Crassus. To plunder a province, to drive usury to the verge of personal slavery, to accept bribes for perjured judgment, to take illegal fees for services supposed to be gratuitous, was so much the custom of the noble Romans that we hardly hate his dishonest greed when displayed in its ordinary course. But because Cicero's honesty was abnormal, we are first surprised, and then, suspecting little deviations, rise up in wrath against him, because in the

midst of Roman profligacy he was not altogether a puritan in his money matters.

Cicero is known to us in three great capacities,—as a statesman, an advocate, and a man of letters. As the combination of such pursuits is common in our own days, so also was it in his. Cæsar added them all to the great work of his life as a soldier. But it was given to Cicero, to take a part in all those political struggles, from the resignation of Sylla to the first rising of the young Octavius, which were made on behalf of the Republic and were ended by its downfall. His political life contains the story of the conversion of Rome from republican to imperial rule; and Rome was then the world. Could there have been no Augustus, no Nero,—and then no Trajan, all Europe would have been different. Cicero's efforts were put forth to prevent the coming of an Augustus or a Nero, or the need of a Trajan; and as we read of them we feel that had success been possible he would have succeeded.

As an advocate he was unsurpassed. From him came the feeling,—whether it be right or wrong,—that a lawyer, in pleading for his client, should give to that client's cause not only all his learning and all his wit, but also all his sympathy. To me it is marvellous, and interesting rather than beautiful, to see how completely Cicero can put off his own identity and assume another's, in any cause, whatever it be, of which he has taken the charge. It must however be borne in mind that in old Rome the distinction between speeches made in political and in civil or criminal cases was not equally well marked as with us, and also that the reader

having the speeches which have come down to us whether of one nature or the other, presented to him in the same volume, is apt to confuse the public and that which may perhaps be called the private work of the man. In the speeches best known to us Cicero was working as a public man for public objects, and the ardour, I may say the fury, of his energy in the cause which he was advocating was due to his public aspirations. The orations which have come to us in three sets, some of them published only but never spoken,—those against Verres, against Catiline, and the Philippics against Antony,—were all of this nature, though the first concerned the conduct of a criminal charge against one individual. Of these I will speak in their turn; but I mention them here in order that I may, if possible, induce the reader to begin his inquiry into Cicero's character as an advocate with a just conception of the objects of the man. He wished, no doubt, to shine as does the barrister of to-day; he wished to rise; he wished if you will to make his fortune,—not by the taking of fees but by extending himself into higher influence by the authority of his name. No doubt he undertook this and the other case without reference to the truth or honesty of the cause, and when he did so, used all his energy for the bad, as he did for the good cause. There seems to be special accusation made against him on this head, as though the very fact that he undertook his work without pay, threw upon him the additional obligation of undertaking no cause that was not in itself upright. With us the advocate does this, notoriously for his fee. Cicero did it, as notoriously, in furtherance of some political object of the moment or in

maintenance of a friendship which was politically important. I say nothing against the modern practice. This would not be the place for such an argument. Nor do I say that, by rules of absolute right and wrong, Cicero was right. But he was as right at any rate as the modern barrister. And in reaching the high-minded conditions under which he worked, he had only the light of his own genius to guide him. When we compare the clothing of the savage race with our own, their beads and woad and straw and fibres with our own petticoats and pantaloons, we acknowledge the progress of civilisation and the growth of machinery. It is not a wonderful thing to us, that an African Prince should not be as perfectly dressed as a young man in Piccadilly. But when we make a comparison of morals between our own time and a period before Christ, we seem to forget that more should be expected from us, than from those who lived two thousand years ago.

There are some of those pleadings, speeches made by Cicero on behalf of or against an accused party, from which we may learn more of Roman life than from any other source left to us. Much we may gather from Terence, much from Horace, something from Juvenal. There is hardly indeed a Latin author from which an attentive reader may not pick up some detail of Roman customs. Cicero's letters are themselves very prolific. But the pretty things of the poets are not quite facts, nor are the bitter things of the satirist; and though a man's letters to his friend may be true, such letters as come to us will have been the products of the greater minds and will have come from a small and special

class. I fear that the Newgate Calendar of the day would tell us more of the ways of living then prevailing, than the letters of Lady Mary W. Montagu or of Horace Walpole. From the orations against Verres we learn how the people of a province lived under the tyranny inflicted upon them, and from those spoken in defence of Sextus Amerinus, and Aulus Cluentius we gather something of the horrors of Roman life,—not in Rome indeed, but within the limits of Roman citizenship.

It is however as a man of letters that Cicero will be held in the highest esteem. It has been his good fortune to have a great part of what he wrote preserved for future ages. His works have not perished as have those of his contemporaries Varro and Hortensius. But this has been due to two causes which were independent of Fortune. He himself believed in their value and took measures for their protection, and those who lived in his own time, and in the immediately succeeding ages entertained the same belief and took the same care. Livy said that to write Latin well, the writer should write it like Cicero, and Quintillian, the first of Latin critics, repeated to us what Livy had asserted.[1] There is a sweetness of language about Cicero which runs into the very sound; so that passages, read aright, would by their very cadences, charm the ear of listeners ignorant of the language. Eulogy never was so happy as his. Eulogy however is tasteless in comparison with invective. Cicero's abuse is awful. Let the reader curious in such matters turn to the

[1] Quintillian, Lib. ii. c. 5.

diatribes against Vatinius, one of Cæsar's creatures, and to that against the unfortunate Proconsul Piso, — or to his attacks on Gabinius, who was Consul together with Piso in the year of Cicero's banishment. There are wonderful morsels in the Philippics dealing with Antony's private character; but the words which he uses against Gabinius and Piso beat all that I know elsewhere in the science of invective. Junius could not approach him; and even Macaulay, though he has, in certain passages, been very bitter, has not allowed himself the latitude which Roman taste and Roman manners permitted to Cicero.

It may, however, be said that the need of biographical memoirs as to a man of letters is by no means in proportion to the excellence of the work that he has achieved. Alexander is known but little to us, because we know so little of the details of his life. Cæsar is much to us, because we have in truth been made acquainted with him. But Shakespeare, of whose absolute doings we know almost nothing, would not be nearer or dearer, had he even had a Boswell to paint his daily portrait. The man of letters is, in truth, ever writing his own biography. What there is in his mind, is being declared to the world at large by himself. And if he can so write that the world at large shall care to read what is written, no other memoir will perhaps be necessary. For myself I have never regretted those details of Shakespeare's life which a Boswell of the time might have given us. But Cicero's personality as a man of letters seems especially to require elucidation. His letters lose their chief charm if the character of the man be not known, and the incidents of his

life. His essays on rhetoric,—the written lessons which he has left on the art of oratory,—are a running commentary on his own career as an orator. Most of his speeches require for their understanding a knowledge of the circumstances of his life. The treatises which we know as his Philosophy,—works which have been most wrongly represented by being grouped under that name,—can only be read with advantage by the light of his own experience. There are two separate classes of his so-called Philosophy, in describing which the word Philosophy, if it be used at all,—must be made to bear two different senses. He handles in one set of treatises, not, I think, with his happiest efforts, the teaching of the old Greek schools. Such are the Tusculan Disquisitions, the Academics, and the De Finibus. From reading these, without reference to the idiosyncrasies of the writer, the student would be led to believe that Cicero himself was a philosopher after that sort. But he was, in truth, the last of men to lend his ears

"To those budge doctors of the stoic fur."

Cicero was a man thoroughly human in all his strength and all his weakness. To sit apart from the world and be happy amidst scorn poverty and obscurity, with a mess of cabbage and a crust, absolutely contented with abstract virtue,—has probably been given to no man. But of none has it been less within the reach than of Cicero. To him ginger was always hot in the mouth, whether it was the spice of politics, or of social delight, or of intellectual enterprise. When in his deep sorrow at the death of his daughter, when for a time the

Republic was dead to him, and public and private life were equally black,—he craved employment. Then he took down his Greek manuscripts and amused himself as best he might by writing this way or that. It was a matter on which his intellect could work and his energies be employed, though the theory of his life was in no way concerned in it. Such was one class of his philosophy. The other consisted of a code of morals, which he created for himself by his own convictions formed on the world around him, and which displayed itself in essays, such as those "De Officiis,"—on the duties of life, "De Senectute," "De Amicitiâ,"—on old age and friendship,—and the like, which were not only intended for use, but are of use, to any man or woman who will study them up to this day. There are others, treatises on law and on government and religion, which have all been lumped together, for the misguidance of schoolboys, under the name of Cicero's philosophy. But they, be they of one class or the other, require an understanding of the man's character before they can be enjoyed.

For these reasons I think that there are incidents in the life, the character, and the work of Cicero, which ought to make his biography interesting. His story is fraught with energy, with success, with pathos, and with tragedy. And then it is the story of a man human as men are now. No child of Rome ever better loved his country, but no child of Rome was ever so little like a Roman. Arms and battles were to him abominable,—as they are to us. But arms and battles were the delight of Romans. He was ridiculed in his

own time, and has been ridiculed ever since, for the alliterating twang of the line in which he declared his feeling;

"Cedant arma togæ; concedat laurea linguæ."

But the thing said was thoroughly good,—and the better, because the opinion was addressed to men among whom the glory of arms was still in ascendant over the achievements of intellectual enterprise. The greatest men have been those who have stepped out from the mass, and gone beyond their time,—seeing things, with eyesight almost divine, which have hitherto been hidden from the crowd. Such was Columbus when he made his way across the Western Ocean; such were Galileo, and Bacon; such was Pythagoras, if the ideas we have of him be at all true. Such also was Cicero. It is not given to the age in which such men live, to know them. Could their age even recognise them, they would not overstep their age, as they do. Looking back at him now we can see how like a Christian was the man,—so like, that in essentials, we can hardly see the difference. He could love another as himself,—as nearly as a man may do; and he taught such love as a doctrine.[1] He believed in the existence of one supreme God.[2] He believed that man would rise again and live for ever in some heaven.[3] I am conscious

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[1] De Finibus, lib. v. ca. xxii. "Nemo est igitur, qui non hanc affectionem animi probet atque laudet."

[2] De Rep. lib. vi. ca. vii. "Nihil est enim illi principi deo, qui omnem hunc mundum regit, quod quidem in terris fiat acceptius." Tusc. Quest, lib. i. ca. xxx. Vetat enim dominans ille in nobis deus.

[3] De Rep. lib. vi. ca. vii., "Certum esse in cœlo definitum locum, ubi beati ævo sempiterno fruantur."

that I cannot much promote this view of Cicero's character by quoting isolated passages from his works,—words which taken alone may be interpreted in one sense or another, and which should be read, each with its context, before their due meaning can be understood. But I may perhaps succeed in explaining to a reader what it is that I hope to do in the following pages, and why it is that I undertake a work which must be laborious, and for which many will think that there is no remaining need.

I would not have it thought that, because I have so spoken of Cicero's aspirations and convictions, I intend to put him forth as a faultless personage in history. He was much too human to be perfect. Those who love the cold attitude of indifference may sing of Cato as perfect. Cicero was ambitious, and often unscrupulous in his ambition. He was a loving husband and a loving father; but at the end of his life he could quarrel with his old wife irrecoverably, and could idolize his daughter, while he ruined his son by indulgence. He was very great while he spoke of his country, which he did so often; but he was almost as little, when he spoke of himself—which he did as often. In money matters he was honest,—for the times in which he lived wonderfully honest. But in words he was not always equally trustworthy. He could flatter where he did not love. I admit that it was so, though I will not admit without a protest that the word, insincere, should be applied to him as describing his character generally. He was so much more sincere than others, that the protest is needed. If a man stand but five feet eleven inches in his shoes, shall he be called a pigmy? And

yet to declare that he measures full six feet would be untrue.

Cicero was a busybody. Were there anything to do, he wished to do it, let it be what it might. "Cedant arma togæ." If anything was written on his heart it was that. Yet he loved the idea of leading an army and panted for a military triumph. Letters and literary life were dear to him, and yet he liked to think that he could live on equal terms with the young bloods of Rome, such as Cœlius. As far as I can judge he cared nothing for luxurious eating and drinking, and yet he wished to be reckoned among the gourmands and gourmets of his times. He was so little like the "budge doctors of the stoic fur," of whom it was his delight to write when he had nothing else to do, that he could not bear any touch of adversity with equanimity. The stoic requires to be hardened against "the stings and arrows of outrageous fortune." It is his profession to be indifferent to the "whips and scorns of time." No man was less hardened, or more subject to suffering from scorns and whips. There be those who think proneness to such suffering is unmanly, or that the sufferer should at any rate hide his agony. Cicero did not. Whether of his glory or of his shame, whether of his joy or of his sorrow, whether of his love or of his hatred, whether of his hopes or of his despair, he spoke openly,—as he did of all things. It has not been the way of heroes,—as we read of them; but it is the way with men as we live with them

What a man he would have been for London life! How he would have enjoyed his club, picking up the news of the day from all lips, while he seemed to give it to all ears.

How popular he would have been at the Carlton, and how men would have listened to him while every great or little crisis was discussed! How supreme he would have sat on the Treasury bench,—or how unanswerable, how fatal, how joyous when attacking the Government from the opposite seats! How crowded would have been his rack with invitations to dinner! How delighted would have been the middle-aged Countesses of the time to hold with him mild intellectual flirtations,—and the girls of the period, how proud to get his autograph, how much prouder to have touched the lips of the great orator with theirs! How the pages of the magazines would have run over with little essays from his pen! "Have you seen our Cicero's paper on agriculture? That lucky fellow, Editor ——, got him to do it last month!" "Of course you have read Cicero's article on the soul. The Bishops don't know which way to turn." "So the political article in the Quarterly is Cicero's." "Of course, you know the art-criticism in the Times this year is Tully's doing!" But that would probably be a bounce. And then what letters he would write! With the penny post instead of travelling messengers at his command, and pen instead of wax and sticks, or perhaps with an instrument-writer and a private secretary, he would have answered all questions and solved all difficulties. He would have so abounded with intellectual fertility, that men would not have known whether most to admire his powers of expression or to depreciate his want of reticence.

There will necessarily be much to be said of Cicero's writings in the following pages, as it is my object to

delineate the literary man as well as the politician. In doing this, there arises a difficulty as to the sequence in which his works should be taken. It will hardly suit the purpose in view to speak of them all either chronologically, or separately as to their subjects. The speeches and the letters clearly require the former treatment as applying each to the very moment of time at which they were either spoken or written. His treatises whether on rhetoric, or on the Greek philosophy, or on government, or on morals can best be taken apart as belonging in a very small degree, if at all, to the period in which they were written. I will therefore endeavour to introduce the orations and letters as the periods may suit, and to treat of his essays afterwards by themselves.

A few words I must say as to the Roman names I have used in my narrative. There is a difficulty in this respect because the practice of my boyhood has partially changed itself. Pompey used to be Pompey without a blush. Now with an erudite English writer he is generally Pompeius. The denizens of Africa,—the "nigger" world,—have had, I think, something to do with this. But with no erudite English writer is Terence Terentius, or Virgil Virgilius, or Horace Horatius. Were I to speak of Livius, the erudite English listener would think that I alluded to an old author long prior to our dear historian. And though we now talk of Sulla instead of Sylla, we hardly venture on Antonius instead of Antony. Considering all this, I have thought it better to cling to the sounds, which have ever been familiar to myself; and as I talk of Virgil and of Horace and Ovid freely and without fear, so shall I speak also of Pompey and of Antony

and of Catiline. In regard to Sulla, the change has been so complete, that I must allow the old name to have re-established itself altogether.

It has been customary to notify the division of years in the period of which I am about to write by dating from two different eras,—counting down from the building of Rome, —A. U. C. or "anno urbis conditæ," and back from the birth of Christ, which we English mark by the letters B. C.—before Christ. In dealing with Cicero writers, both French and English, have not uncommonly added a third mode of dating, assigning his doings or sayings to the year of his age. There is again a fourth mode, common among the Romans, of indicating the special years by naming the Consuls,—or one of them. "O nata mecum consule Manlio," Horace says when addressing his cask of wine. That was indeed the official mode of indicating a date, and may probably be taken as showing how strong the impression in the Roman mind was of the succession of their Consuls. In the following pages I will use generally the date B. C. which, though perhaps less simple than the A. U. C., gives to the mind of the modern reader a clearer idea of the juxtaposition of events. The reader will surely know that Christ was born in the reign of Augustus, and crucified in that of Tiberius; but he will not perhaps know, without the trouble of some calculation, how far removed from the period of Christ was the year 648, A. U. C., in which Cicero was born. To this, I will add on the margin, the year of Cicero's life. He was nearly sixty-four when he died. I shall therefore call that year his sixty-third year.

CHAPTER II.

HIS EDUCATION.

At Arpinum, on the river Liris, a little stream which has been made to sound sweetly in our ears by Horace,[1] in a villa residence near the town, Marcus Tullius Cicero was born—106 years before Christ, on the 3rd of January, according to the calendar then in use. Pompey the Great was born in the same year. Arpinum was a state which had been admitted into Roman citizenship, lying between Rome and Capua, just within that portion of Italy which was till the other day called the Kingdom of Naples. The district from which he came is noted also as having given birth to Marius. Cicero was of an equestrian family, which means as much as though we were to say among ourselves that a man had been born a gentleman and nothing more. An "eques" or knight in Cicero's time became so, or might become so, by being in possession of a certain income. The title conferred no nobility. The plebeian, it will be understood, could not become patrician, though he might become noble,—as Cicero did. The patrician must have been born so,—must have sprung

[1] Hor. lib. i. ode xxii.—

"Non rura quæ Liris quieta
Mordet aqua taciturnus amnis.

from the purple of certain fixed families.[1] Cicero was born a plebeian, of equestrian rank, and became ennobled when he was ranked among the senators because of his service among the high magistrates of the Republic. As none of his family had served before him he was "novus homo," a new man,—and therefore not noble till he had achieved nobility himself. A man was noble who could reckon a Consul, a Prætor, or an Ædile among his ancestors. Such was not the case with Cicero. As he filled all these offices his son was noble,—as were his son's sons and grandsons if such there were.

It was common to Romans to have three names, and our Cicero had three. Marcus, which was similar in its use to the Christian name of one of us, had been that of his grandfather, and father, and was handed on to his son. This, called the prænomen, was conferred on the child when a baby with a ceremony not unlike that of our baptism. There was but a limited choice of such names among the Romans, so that an initial letter will generally declare to those accustomed to the literature that intended. A. stands for Aulus, P. for Publius; M. generally for Marcus, C. for Caius, though there was a Cneus also. The nomen, Tullius, was that of the family. Of this family of Tullius to which Cicero belonged we know no details. Plutarch tells us that of his father nothing was said but in extremes, some declaring that he had been a fuller, and others that he had

[1] Such was the presumed condition of things at Rome. By the passing of a special law a plebeian might, and occasionally did, become patrician. The patricians had so nearly died out in the time of Julius Cæsar that he introduced fifty new families by the Lex Cassia.

been descended from a Prince who had governed the Volsci. We do not see why he may not have sprung from the Prince and also have been a fuller. There can, however, be no doubt that he was a gentleman, not uneducated himself, with means and the desire to give his children the best education which Rome or Greece afforded. The third name or cognomen, that of Cicero, belonged to a branch of the family of Tullius. This third name had generally its origin, as do so many of our surnames, in some speciality of place or trade, or chance circumstance. It was said that an ancestor had been called Cicero from "cicer," a vetch, because his nose was marked with the figure of that vegetable. It is more probable that the family prospered by the growing and sale of vetches. Be that as it may, the name had been well established before the orator's time. Cicero's mother was one Helvia, of whom we are told that she was well born and rich. Cicero himself never alludes to her;—as neither if I remember rightly, did Horace to his mother, though he speaks so frequently of his father. Helvia's younger son, Quintus, tells a story of his mother in a letter, which has been, by chance, preserved among those written by our Cicero. She was in the habit of sealing up the empty wine-jars, as well as those which were full, so that a jar emptied on the sly by a guzzling slave might be at once known. This is told in a letter to Tiro, a favourite slave belonging to Marcus, of whom we shall hear often in the course of our work. As the old lady sealed up the jars, though they contained no wine, so must Tiro write letters, though he has nothing to say in them. This kind of argument, taken from the old familiar

stories of one's childhood and one's parents, could be only used to a dear and familiar friend. Such was Tiro, though still a slave, to the two brothers. Roman life admitted of such friendships, though the slave was so completely the creature of the master, that his life and death were at the master's disposal. This is nearly all that is known of Cicero's father and mother or of his old home.

There is, however, sufficient evidence that the father paid great attention to the education of his sons,—if, in the case of Marcus, any evidence were wanting where the result is so manifest by the work of his life. At a very early age, probably when he was eight,—in the year which produced Julius Cæsar,—he was sent to Rome, and there was devoted to studies which from the first were intended to fit him for public life. Middleton says that the father lived in Rome with his son, and argues from this that he was a man of large means. But Cicero gives no authority for this. It is more probable that he lived at the house of one Aculeo who had married his mother's sister, and had sons with whom Cicero was educated. Stories are told of his precocious talents and performances such as we are accustomed to hear of many remarkable men,—not unfrequently from their own mouths. It is said of him that he was intimate with the two great advocates of the time Lucius Crassus and Marcus Antonius the orator, the grandfather of Cicero's future enemy whom we know as Marc Antony. Cicero speaks of them both as though he had seen them, and talked much of them in his youth. He tells us anecdotes of them,[1]

[1] De Orat. lib. ii. ca. 1.

how they were both accustomed to conceal their knowledge of Greek, fancying that the people in whose eyes they were anxious to shine would think more of them if they seemed to have contented themselves simply with Roman words and Roman thoughts. But the intimacy was probably that which a lad now is apt to feel that he has enjoyed with a great man, if he has seen and heard him, and perhaps been taken by the hand. He himself gives in very plain language, an account of his own studies when he was seventeen, eighteen, and nineteen. He speaks of the orators of that day.[1] "When I was above all things anxious to listen to these men, the banishment of Cotta was a great sorrow to me. I was passionately intent on hearing those who were left, daily writing, reading, and making notes. Nor was I content only with practice in the art of speaking. In the following year, Varius had to go, condemned by his own enactment; and at this time, in working at the civil law, I gave much of my time to Quintus Scævola, the son of Publius, who, though he took no pupils, by explaining points to those who consulted him, gave great assistance to students. The year after, when Sulla and Pompey were Consuls, I learned what oratory really means by listening to Publius Sulpicius who as tribune was daily making harangues. It was then that Philo the Chief of the Academy, with other leading philosophers of Athens, had been put to flight by the war with Mithridates, and had come to Rome. To him I devoted myself entirely, stirred up by a wonderful appetite for acquiring the Greek philosophy.

[1] Brutus, ca. lxxxix.

But in that, though the variety of the pursuit and its greatness charmed me altogether, yet it seemed to me that the very essence of judicial conclusion was altogether suppressed. In that year Sulpicius perished, and in the next, three of our greatest orators, Quintus Catulus, Marcus Antonius, and Caius Julius were cruelly killed."—This was the time of the civil war between Marius and Sulla. "In the same year, I took lessons from Molo the Rhodian, a great pleader and master of the art." In the next chapter he tells us that he passed his time also with Diodatus the Stoic, who afterwards lived with him, and died in his house. Here we have an authentic description of the manner in which Cicero passed his time as a youth at Rome, and one we can reduce probably to absolute truth by lessening the superlatives. Nothing in it, however, is more remarkable than the confession that while his young intellect rejoiced in the subtle argumentation of the Greek philosophers, his clear common sense quarrelled with their inability to reach any positive conclusion.

But before these days of real study had come upon him, he had given himself up to juvenile poetry. He is said to have written a poem called Pontius Glaucus when he was fourteen years old. This was no doubt a translation from the Greek, as were most of the poems that he wrote and many portions of his prose treatises.[1] Plutarch tells us that the poem was

[1] It should be remembered that in Latin literature it was the recognised practice of authors to borrow wholesale from the Greek, and that no charge of plagiarism attended such borrowing. Virgil in taking thoughts and language from Homer was simply supposed to have shown his judgment in accommo-

extant in his time and declares that, "in process of time when he had studied this art with greater application he was looked upon as the best poet, as well as the greatest orator in Rome." The English translators of Plutarch tell us that their author was an indifferent judge of Latin poetry, and allege as proof of this, that he praised Cicero as a poet,—a praise which he gave "contrary to the opinion of Juvenal." But Juvenal has given no opinion of Cicero's poetry, having simply quoted one unfortunate line noted for its egotism, and declared that Cicero would never have had his head cut off had his Philippics been of the same nature.[1] The evidence of Quintus Mucius Scævola as to Cicero's poetry was perhaps better, as he had the means, at any rate, of reading it. He believed that the Marius, a poem written by Cicero in praise of his great fellow-townsman would live to posterity for ever. The story of the old man's prophecy comes to us, no doubt, from Cicero himself, and is put into the mouth of his brother,[2] but had it been untrue it would have been contradicted.

The Glaucus was a translation from the Greek, done by a

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dating Greek delights to Roman ears and Roman intellects. The idea as to literary larceny is of later date, and has grown up with personal claims for orginality, and with copyright. Shakespeare did not acknowledge whence he took his plots because it was unnecessary. Now if a writer borrow a tale from the French it is held that he ought at least to owe the obligation,—or perhaps even pay for it.

[1] Juvenal, Sat. x. 122—

> "O fortunatum natam me Consule Romam!
> Antoni gladios potuit contemnere, si sic
> Omnia dixisset."

[2] De Leg, lib. i. ca. 1.

boy, probably as a boy's lesson. It is not uncommon that such exercises should be treasured by parents, or perhaps by the performer himself, and not impossible that they should be made to reappear afterwards as original compositions. Lord Brougham tells us in his autobiography that in his early youth he tried his hand at writing English Essays and even tales of fiction.[1] "I find one of these," he says, "has survived the waste-paper basket, and it may amuse my readers to see the sort of composition I was guilty of at the age of thirteen. My tale was entitled 'Memnon, or Human Wisdom' and is as follows;"—Then we have a fair translation of Voltaire's romance, "Memnon," or "La Sagesse Humaine." The old Lord, when he was collecting his papers for his autobiography had altogether forgotten his Voltaire, and thought that he had composed the story! Nothing so absurd as that is told of Cicero by himself or on his behalf.

It may be as well to say here what there may be to be said as to Cicero's poetry generally. But little of it remains to us, and by that little it has been admitted that he has not achieved the name of a great poet; but what he did was too great in extent, and too good in its nature to be passed over altogether without notice. It has been his fate to be rather ridiculed than read as a maker of verses, and that ridicule has come from two lines which I have already quoted. The longest piece which we have is from the Phænomena of Aratus, which he translated from the Greek when he was

[1] Life and Times of Henry Lord Brougham, written by himself, vol. i. p. 58.

eighteen years old, and which describes the heavenly bodies. It is known to us best by the extracts from it given by the author himself in his treatise De Naturâ Deorum. It must be owned that it is not pleasant reading. But translated poetry seldom is pleasant, and could hardly be made so on such a subject by a boy of eighteen. The Marius was written two years after this, and we have a passage from it quoted by the author in his De Divinatione, containing some fine lines. It tells the story of the battle of the eagle and the serpent. Cicero took it, no doubt,—not translated it however,—from the passage in the Iliad, Lib. xii. 200, which has been rendered by Pope with less than his usual fire, and by Lord Derby with no peculiar charm. Virgil has reproduced the picture with his own peculiar grace of words. His version has been translated by Dryden, but better perhaps by Christopher Pitt. Voltaire has translated Cicero's lines with great power, and Shelley has reproduced the same idea at much greater length in the first canto of the Revolt of Islam, taking it probably from Cicero, but, if not, from Voltaire.[1] I venture to think that, of the nine versions, Cicero's is the best, and that it is the most melodious piece of Latin poetry we have up to that date. Twenty-seven years afterwards, when Lucretius was probably at work on his great poem, Cicero wrote an account of his consulship in verse. Of this we have fifty or sixty lines, in which the author describes

[1] I give the nine versions to which I allude in an Appendix A., at the end of this volume, so that those curious in such matters may compare the words n which the same picture has been drawn by various hands.

the heavenly warnings which were given as to the affairs of his own consular year. The story is not a happy one, but the lines are harmonious. It is often worth our while to inquire how poetry has become such as it is, and how the altered and improved phases of versification have arisen. To trace our melody from Chaucer to Tennyson is matter of interest to us all. Of Cicero as a poet we may say that he found Latin versification rough and left it smooth and musical. Now, as we go on with the orator's life and prose works, we need not return to his poetry.

The names of many masters have been given to us as those under whom Cicero's education was carried on. Among others he is supposed, at a very early age, to have been confided to Archias. Archias was a Greek born at Antioch, who devoted himself to letters; and if we are to believe what Cicero says when speaking as an advocate, excelled all his rivals of the day. Like many other educated Greeks he made his way to Rome, and was received as one of the household of Lucullus, with whom he travelled, accompanying him even to the wars. He became a citizen of Rome,—so Cicero assures us,—and Cicero's tutor. What Cicero owed to him we do not know, but to Cicero Archias owed immortality. His claim to citizenship was disputed, and Cicero, pleading on his behalf, made one of those shorter speeches which are perfect in melody, in taste, and in language. There is a passage in which, speaking on behalf of so excellent a professor in the art, he sings the praises of literature generally. I know no words written in praise of books more persuasive or more valuable. "Other

recreations," he says, "do not belong to all seasons, nor to all ages, nor to all places. These pursuits nourish our youth and delight our old age. They adorn our prosperity, and give a refuge and a solace to our troubles. They charm us at home, and they are not in our way when we are abroad. They go to bed with us. They travel about with us. They accompany us as we escape into the country."[1] Archias probably did something for him in directing his taste, and has been rewarded thus richly. As to other lessons we know that he was instructed in law by Scævola, and he has told us that he listened to Crassus and Antony. At sixteen he went through the ceremony of putting off his boy's dress, the toga prætexta, and appearing in the toga virilis before the Prætor, thus assuming his right to go about a man's business. At sixteen the work of education was not finished, —no more than it is with us when a lad at Oxford becomes "of age" at twenty-one; nor was he put beyond his father's power,—the "patria potestas," from which no age availed to liberate a son; but nevertheless it was a very joyful ceremony, and was duly performed by Cicero in the midst of his studies with Scævola.

At eighteen he joined the army. That doctrine of the division of labour which now, with us, runs through and dominates all pursuits, had not as yet been made plain to the minds of men at Rome by the political economists of the day. It was well that a man should know something of many things,—that he should especially, if he intended to

[1] Pro Archia, ca. vii.

be a leader of men,—be both soldier and orator. To rise to be Consul, having first been Quæstor, Ædile and Prætor was the path of glory. It had been the special duty of the Consuls of Rome, since the establishment of consular government, to lead the armies of the Republic. A portion of the duty devolved upon the Prætors as wars became more numerous; and latterly, the commanders were attended by Quæstors. The Governors of the provinces, Pro-Consuls or Pro-Prætors, with proconsular authority, always combined military with civil authority. The art of war was therefore a necessary part of the education of a man intended to rise in the service of the State. Cicero, though, in his endeavour to follow his own tastes he made a strong effort to keep himself free from such work, and to remain at Rome instead of being sent abroad as a Governor, had, at last, to go where fighting was in some degree necessary, and, in the saddest phase of his life, appeared in Italy with his lictors, demanding the honours of a triumph. In anticipation of such a career, no doubt under the advice of his friends, he now went out to see, if not a battle, something at any rate of war. It has already been said how the citizenship of Rome was conferred on some of the small Italian states around, and not on others. Hence of course arose jealousy, which was increased by the feeling on the part of those excluded that they were called to furnish soldiers to Rome, as well as those who were included. Then there was formed a combination of Italian cities sworn to remedy the injury thus inflicted on them. Their purpose was to fight Rome in order that they might achieve Roman citizenship, and hence arose the first civil war which distracted

the empire. Pompeius Strabo, father of Pompey the Great, was then Consul (B. C. 89), and Cicero was sent out to see the campaign under him. Marius and Sulla, the two Romans who were destined soon to bathe Rome in blood, had not yet quarrelled, though they had been brought to hate each other, Marius by jealousy, and Sulla by rivalry. In this war they both served under the Consuls, and Cicero served with Sulla. We know nothing of his doings in that campaign. There are no tidings even of a misfortune such as that which happened to Horace when he went out to fight, and came home from the battle-field "relicta non bene parmula."

Rome trampled on the rebellious cities, and in the end admitted them to citizenship. But probably the most important, certainly the most notorious result of the Italian war, was the deep antagonism of Marius and Sulla. Sulla had made himself conspicuous by his fortune on the occasion, whereas Marius who had become the great soldier of the Republic, and had been six times Consul, failed to gather fresh laurels. Rome was falling into that state of anarchy which was the cause of all the glory and all the disgrace of Cicero's life, and was open to the dominion of any soldier whose grasp might be the least scrupulous and the strongest. Marius after a series of romantic adventures with which we must not connect ourselves here, was triumphant,—only just before his death,—while Sulla went off with his army, pillaged Athens, plundered Asia Minor generally, and made terms with Mithridates though he did not conquer him. With the purport, no doubt, of conquering Mithridates, but perhaps with the stronger object of getting him out of Rome,—the

army had been intrusted to him with the consent of the Marian faction.

Then came those three years, when Sulla was in the East and Marius dead, of which Cicero speaks as a period of peace in which a student was able to study in Rome. "Triennium fere fuit urbs sine armis."[1] These must have been the years 86, 85 and 84 before Christ, when Cicero was twenty-one, twenty-two and twenty-three years old, and it was this period, in truth, of which he speaks, and not of earlier years, when he tells us of his studies with Philo, and Molo, and Diodatus. Precocious as he was in literature, writing one poem,—or translating it,—when he was fourteen, and another when he was eighteen, he was by no means in a hurry to commence the work of his life. He is said also to have written a treatise on military tactics when he was nineteen, which again, no doubt, means that he had exercised himself by translating such an essay from the Greek. This happily does not remain. But we have four books "Rhetoricorum ad C. Herennium," and two books "De Inventione," attributed to his twentieth and twenty-first year, which are published with his works and commence the series. Of all that we have from him, they are perhaps the least worth reading, but as they are, or were, among his recognised writings a word shall be said of them in their proper place.

The success of the education of Cicero probably became a commonplace among Latin schoolmasters and Latin writers. In the dialogue De Oratoribus attributed to Tacitus the story

[1] Brutus, ca. xc.

of it is given by Messala, when he is praising the orators of the earlier age. "We know well," says Messala, "that book of Cicero which is called Brutus in the latter part of which he describes to us the beginning and the progress of his own eloquence, and as it were, the bringing up on which it was founded. He tells us that he had learned civil law under Q. Mutius Scævola; that he had exhausted the realm of philosophy, learning that of the Academy under Philo and that of the Stoics under Diodatus; that not content with these treatises, he had travelled through Greece and Asia, so as to embrace the whole world of art. And thus it had come about that in the works of Cicero no knowledge is wanting, neither of music, nor of grammar, nor any other liberal accomplishment. He understood the subtilty of logic, the purpose of ethics, the effects and causes of things." Then the speaker goes on to explain what may be expected from study such as that. "Thus it is, my good friends,—thus, that from the acquirement of many arts and from a general knowledge of all things, eloquence that is truly admirable is created in its full force; for the power and capacity of an orator need not be hemmed in, as are those other callings, by certain narrow bounds;—but that man is the true orator who is able to speak on all subjects, with dignity and grace, so as to persuade those who listen and to delight them, in a manner suited to the nature of the subject in hand and the convenience of the time."[1]

We might fancy that we were reading words from Cicero

[1] Tacitus, De Oratoribus, xxx.

himself! Then the speaker in this imaginary conversation goes on to tell us how far matters had derogated in his time, —pointing out at the same time, that the evils which he deplores had shown themselves even before Cicero, but had been put down, as far as the law could put them down by its interference. He is speaking of those schools of rhetoric, in which Greek professors of the art gave lessons for money, which were evil in their nature, and not, as it appears, efficacious even for the purpose in hand. "But now," continues Messala, "our very boys are brought into the schools of those lecturers who are called 'rhetores,' who had sprung up before Cicero,—to the displeasure of our ancestors, as is evident from the fact that when Crassus and Domitius were Censors they were ordered to shut up their school of impudence, as Cicero calls it. Our boys as I was going to say, are taken to these lecture rooms in which it is hard to say whether the atmosphere of the place, or the lads they are thrown among, or the nature of the lessons taught, are the most injurious. In the place itself, there is neither discipline nor respect. All who go there are equally ignorant. The boys among the boys, the lads among the lads, utter and listen to just what words they please. Their very exercises are for the most part useless. Two kinds are in vogue with these 'rhetores,' called 'suasoriæ' and 'controversiæ,'"—tending, we may perhaps say to persuade or to refute. "Of these the 'suasoriæ' as being the lighter, and requiring less of experience, are given to the little boys,—the 'controversiæ' to the bigger lads. But,—oh heavens, what they are, what miserable compositions!" Then he tells us the subjects

selected. Rape, incest and other horrors are subjected to the lads for their declamation in order that they may learn to be orators.

Messala then explains that in those latter days,—his days that is,—under the rule of despotic princes, truly large subjects are not allowed to be discussed in public, confessing however that those large subjects, though they afford fine opportunities to orators, are not beneficial to the State at large. But it was thus he says, that Cicero became what he was, who would not have grown into favour, had he defended only P. Quintius and Archias and had had nothing to do with Catiline, or Milo, or Verres, or Antony,—showing by the way, how great was the reputation of that speech, Pro Milone, with which we shall have to deal further on.

The treatise becomes somewhat confused, a portion of it having probably been lost. From whose mouth the last words are supposed to come is not apparent. It ends with a rhapsody in favour of imperial government, suitable indeed to the time of Domitian, but very unlike Tacitus. While however it praises despotism, it declares that only by the evils which despotism had quelled could eloquence be maintained. "Our country, indeed, while it was astray in its government, while it tore itself to pieces by parties and quarrels and discord, while there was no peace in the Forum, no agreement in the Senate, no moderation on the judgment seat, no reverence for letters, no control among the magistrates, boasted, no doubt, a stronger eloquence."

From what we are thus told of Cicero, not what we hear from himself, we are able to form an idea of the nature of his

education. With his mind fixed from his early days on the ambition of doing something noble with himself he gave himself up to all kinds of learning. It was Macaulay, I think, who said of him that the idea of conquering the "omne scibile,"—the understanding of all things within the reach of human intellect, — was before his eyes as it was before those of Bacon. The special preparation which was in Cicero's time employed for students at the bar is also described in the treatise from which I have quoted,—the preparation which is supposed to have been the very opposite of that afforded by the "rhetores." "Among ourselves the youth who was intended to achieve eloquence in the Forum when already trained at home and exercised in classical knowledge, was brought by his father or his friends to that orator who might then be considered to be the leading man in the city. It became his daily work to follow that man, to accompany him, to be conversant with all his speeches whether in the courts of law, or at public meetings,—so that he might learn, if I might say so, to fight in the very thick of the throng." It was thus that Cicero studied his art. A few lines further down the pseudo-Tacitus tells us that Crassus in his nineteenth year held a brief against Carbo, that Cæsar did so in his twenty-first against Dolabella, and Pollio, in his twenty-second year against Cato.[1] In this precocity Cicero

[1] Quintillian, lib. xii. c. vi., who wrote about the same time as this Essayist, tells us of these three instances of early oratory, not however specifying the exact age in either case. He also reminds us that Demosthenes pleaded when he was a boy, and that Augustus at the age of twelve made a public harangue in honour of his grandmother.

did not imitate Crassus, or show an example to the Romans who followed him. He was twenty-six when he pleaded his first cause. Sulla had then succeeded in crushing the Marian faction, and the Sullan proscriptions had taken place and were nominally over. Sulla had been declared Dictator, and had proclaimed that there should be no more selections for death. The Republic was supposed to be restored. "Recuperata republica * * * * tum primum nos ad causas et privatas et publicas adire cœpimus."[1] "The Republic having been restored, I then first applied myself to pleadings, both private and public."

Of Cicero's politics at that time we are enabled to form a fair judgment. Marius had been his townsman. Sulla had been his captain. But the one thing dear to him was the Republic,—what he thought to be the Republic. He was neither Marian nor Sullan. The turbulence in which so much noble blood had flowed, the "Crudelis interitus oratorum," the crushing out of the old legalized form of government was abominable to him. It was his hope, no doubt his expectation, that these old forms should be restored in all their power. There seemed to be more probability of this,—there was more probability of it,—on the side of Sulla than the other. On Sulla's side was Pompey, the then rising man, who being of the same age with Cicero, had already pushed himself into prominence, who was surnamed the Great, and who "triumphed" during these very two years in which Cicero began his career,—who through Cicero's whole life was his

[1] Brutus, ca. xc.

bugbear, his stumbling-block, and his mistake. But on that side were the "optimates," the men who, if they did not lead, ought to lead the Republic, those who, if they were not respectable ought to be so, those who, if they did not love their country, ought to love it. If there was a hope, it was with them. The old state of things,—that oligarchy which has been called a Republic,—had made Rome what it was, had produced power, civilization, art and literature. It had enabled such a one as Cicero was himself to aspire to lead, though he had been humbly born, and had come to Rome from an untried provincial family. To him the Republic,—as he fancied that it had been, as he fancied that it might be,—was all that was good, all that was gracious, all that was beneficent. On Sulla's side lay what chance there was of returning to the old ways. When Sulla was declared Dictator, it was presumed that the Republic was restored. But not on this account should it be supposed that Cicero regarded the proscriptions of Sulla with favour, or that he was otherwise than shocked by the wholesale robberies for which the proscription paved the way. This is a matter with which it will be necessary to deal more fully, when we come in our next chapter to the first speeches made by Cicero, in the very first of which, as I place them, he attacks the Sullane robberies with an audacity which, when we remember that Sulla was still in power, rescues, at any rate, in regard to this period of his life, the character of the orator from that charge of cowardice which has been imputed to him.

It is necessary here, in this chapter devoted to the education of Cicero, to allude to his two first speeches, because

that education was not completed till afterwards,—so that they may be regarded as experiments, or trials as it were of his force and sufficiency. "Not content with these teachers," —teachers who had come to Rome from Greece and Asia,— "he had travelled through Greece and Asia, so as to embrace the whole world of art." These words, quoted a few pages back from the treatise attributed to Tacitus, refer to a passage, in the Brutus, in which Cicero makes a statement to that effect. "When I reached Athens,[1] I passed six months with Antiochus, by far the best known and most erudite of the teachers of the Old Academy, and with him, as my great authority and master I renewed that study of philosophy which I had never abandoned,—which from my boyhood I had followed with always increasing success. At the same time I practised oratory laboriously with Demetrius Syrus also at Athens, a well known and by no means incapable master of the art of speaking. After that I wandered over all Asia, and came across the best orators there, with whom I practised, enjoying their willing assistance." There is more of it which need not be repeated verbatim, giving the names of those who aided him in Asia, Menippus of Stratonice— who, he says was sweet enough to have belonged himself to Athens,—with Dionysius of Magnesia, with Œschilus of Cnidos, and with Xenocles of Adramyttium. Then at Rhodes he came across his old friend Molo, and applied himself again to the teaching of his former master. Quintillian explains to us how this was done with a purpose, so that the

[1] Brutus, xci.

young orator when he had made a first attempt with his half-fledged wings in the courts might go back to his masters for a while.[1]

He was twenty-eight when he started on this tour. It has been suggested that he did so in fear of the resentment of Sulla, with whose favourites and with whose practices he had dealt very plainly. There is no reason for alleging this, except that Sulla was powerful, that Sulla was bloodthirsty, and that Sulla must have been offended. The kind of argument is often used. It is supposed to be natural, or at least probable, that in a certain position, a man should have been a coward, or a knave, ungrateful or cruel, — and in the presumption thus raised the accusation is brought against him. "Fearing Sulla's resentment," Plutarch says, "he travelled into Greece and gave out that the recovery of his health was the motive." There is no evidence that such was his reason for travelling, and, as Middleton says in his behalf, it is certain that he "continued for a year after this in Rome without any apprehension of danger." It is best to take a man's own account of his own doings and their causes, unless there be ground for doubting the statement made. It is thus that Cicero himself speaks of his journey. "Now," he says,—still in his Brutus,[2] "as you wish to know what I am,—not simply what mark I may have on my body, from my birth, or with

[1] Quintillian, lib. xii. vi. "Quum jam clarum meruisset inter patronos, qui tum erant, nomen, in Asiam navigavit, seque et aliis sine dubio eloquentiæ ac sapientiæ magistris, sed præcipue tamen Apollonio Moloni, quem Romæ quoque audierat, Rhodi rursus formandum ac velut recognendum dedit."

[2] Brutus, xci.

what surroundings of childhood I was brought up,—I will include some details which might perhaps seem hardly necessary. At this time I was thin and weak,—my neck being long and narrow,—a habit and form of body which is supposed to be adverse to long life. And those who loved me thought the more of this, because I had taken to speaking without relaxation, without recreation, with all the powers of my voice, and with much muscular action. When my friends and the doctors desired me to give up speaking, I resolved that rather than abandon my career as an orator, I would face any danger. But when it occurred to me that by lowering my voice, by changing my method of speaking, I might avoid the danger, and, at the same time, learn to speak with more elegance, I accepted that as a reason for going into Asia, so that I might study how to change my mode of elocution. Thus when I had been two years at work upon causes, and when my name was already well known in the Forum, I took my departure and left Rome."

During the six months that he was at Athens he renewed an early acquaintance with one who was destined to become the most faithful, and certainly the best known of his friends. This was Titus Pomponius, known to the world as that Atticus to whom were addressed something more than half the large body of letters which were written by Cicero, and which have remained for our use.[1] He seems to have lived much with Atticus, who was occupied with similar studies though

[1] The total correspondence contains 817 letters, of which 52 were written to Cicero, 396 were written by Cicero to Atticus, and 369 by Cicero to his friends in general. We have no letters from Atticus to Cicero.

with altogether different results. Atticus applied himself to the practices of the Epicurean school and did in truth become "Epicuri de grege porcus." To enjoy life, to amass a fortune, to keep himself free from all turmoils of war or state, to make the best of the times whether they were bad or good without any attempt on his part to mend them,—this was the philosophy of Titus Pomponius, who was called Atticus because Athens, full of art and literature, easy, unenergetic and luxurious, was dear to him. To this philosophy, or rather, to this theory of life, Cicero was altogether opposed. He studied in all the schools, among the Platonists, the Stoics, even with the Epicureans enough to know their dogmas so that he might criticise them,—proclaiming himself to belong to the new academy or younger school of Platonists; but in truth drawing no system of morals or rule of life from any of them. To him, and also to Atticus, no doubt, these pursuits afforded an intellectual pastime. Atticus found himself able to justify to himself the bent of his disposition by the name of a philosopher, and therefore became an Epicurean. Cicero could in no way justify to himself any deviation from the energy of public life, from its utility, from its ambition, from its loves or from its hatred,—and from the Greek philosophers whom he named of this or the other school, received only some assistance in that handling of so-called philosophy which became the chief amusement of his future life. This was well understood by the Latin authors who wrote of Cicero after his own time. Quintillian speaking of Cicero and Brutus as writers of philosophy says of the latter, "Suffecit ponderi rerum; scias enim sentire quæ

dicit."[1] "He was equal to the weight of the subject, for you feel that he believes what he writes." He leaves the inference of course that Cicero wrote on such matters only for the exercise of his ingenuity,—as a school-boy writes.

When at Athens Cicero was initiated into the Eleusinian mysteries, as to which Mr. Collins in his little volume on Cicero, in "The Ancient Classics for English Readers," says that they "contained under this veil whatever faith in the Invisible and Eternal rested in the mind of an enlightened pagan." In this Mr. Collins is fully justified by what Cicero himself has said, although the character thus given to these mysteries is very different from that which was attributed to them by early Christian writers. They were to those pious but somewhat prejudiced theologists mysterious and pagan, and therefore horrible.[2] But Cicero declares in his dialogue with Atticus "De Legibus," written when he was fifty-five years old, in the prime of his intellect, that "of all the glories and divine gifts which your Athens has produced for the improvement of men, nothing surpasses these mysteries by which the harshness of our uncivilized life has been softened, and we have been lifted up to humanity; and as they are called 'initia,'"—by which aspirants were initiated,—"so have we in truth found in them the seeds of a new life. Nor have we received from them only the means

[1] Quintilian, lib. x. ca. 1.

[2] Clemens of Alexandria, in his exhortation to the Gentiles, is very severe upon the iniquities of these rites. "All evil be to him," he says, "who brought them into fashion, whether it was Dardanus, or Eetion the Thracian,

of living with satisfaction, but also of dying with a better hope as to the future."[1]

Of what took place with Cicero and Atticus at their introduction to the Eleusinian mysteries we know nothing. But it can hardly be that, with such memories running in his mind after thirty years, expressed in such language to the very friend who had then been his companion, they should not have been accepted by him as indicating the commencement of some great line of thought. The two doctrines which seem to mark most clearly the difference between the men whom we regard, the one as a pagan and the other as a Christian, are the belief in a future life and the duty of doing well by our neighbours. Here they are both indicated, the former in plain language and the latter in that assurance of the softening of the barbarity of uncivilized life,—"quibus ex agresti immanique vita exculti ad humanitatem et mitigati sumus."

Of the inner life of Cicero at this moment, how he ate, how he drank, with what accompaniment of slaves he lived, how he was dressed and how lodged we know very little. But we are told enough to be aware that he could not have travelled and studied as he did in Greece and Asia, without great expense. His brother Quintus was with him, so that cost, if not double, was greatly increased. Antiochus, Demetrius Syrus, Molo, Menippus and the others did not

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or Midas the Phrygian." The old story which he repeats as to Ceres and Proserpine may have been true, but he was altogether ignorant of the changes which the common sense of centuries had produced.

[1] De Legibus, lib. ii. c. xiv.

give him their services for nothing. These were gentlemen of whom we know that they were anxious to carry their wares to the best market. And then he seems to have been welcomed wherever he went, as though travelling in some sort "en prince." No doubt he had brought with him the best introductions which Rome could afford; but even with them a generous allowance must have been necessary, and this must have come from his father's pocket.

As we go on, a question will arise as to Cicero's income and the sources whence it came. He asserts of himself that he was never paid for his services at the bar. To receive such payment was illegal, but was usual. He claims to have kept himself exempt from whatever meanness there may have been in so receiving such fees,—exempt at any rate from the fault of having broken the law. He has not been believed. There is no evidence to convict him of falsehood, but he has not been believed because there have not been found palpable sources of income sufficient for an expenditure so great as that which we know to have been incident to the life he led. But we do not know what were his father's means. Seeing the nature of the education given to the lad, of the manner in which his future life was prepared for him from his earliest days, of the promise made to him from his boyhood of a career in the metropolis if he could make himself fit for it, of the advantages which costly travel afforded him, I think we have reason to suppose that the old Cicero was an opulent man, and that the house at Arpinum was no humble farm, or fuller's poor establishment.

CHAPTER III.

THE CONDITION OF ROME.

It is far from my intention to write a history of Rome during the Ciceronian period. Were I to attempt such a work, I should have to include the doings of Sertorius in Spain, of Lucullus and Pompey in the East, Cæsar's ten years in Gaul, and the civil wars from the taking of Marseilles to the final battles of Thapsus and Munda. With very many of the great events which the period includes Cicero took but slight concern,—so slight that we can hardly fail to be astonished when we find how little he had to say of them, he who ran through all the offices of the State, who was the chosen guardian of certain allied cities, who has left to us so large a mass of correspondence on public subjects, and who was essentially a public man for thirty-four years. But he was a public man who concerned himself personally with Rome rather than with the Roman Empire. Home affairs and not foreign affairs were dear to him. To Cæsar's great deeds in Gaul, we should have had from him almost no allusion, had not his brother Quintus been among Cæsar's officers and his young friend Trebatius been confided by himself to Cæsar's care. Of Pharsalia we only learn from him that in utter despair of heart he allowed himself to be carried to the war. Of the

proconsular governments throughout the Roman empire we should not learn much from Cicero were it not that it has been shown to us by the trial of Verres how atrocious might be the conduct of a Roman Governor, and by the narratives of Cicero's own rule in Cilicia, how excellent. The history of the time has been written for modern readers by Merivale and Mommsen, with great research and truth as to facts,—but, as I think, with some strong feeling. Now Mr. Froude has followed with his "Cæsar,"—which might well have been called Anti-Cicero. All these in lauding, and the two latter in deifying the successful soldier, have I think dealt hardly with Cicero, attributing to his utterances more than they mean, doubting his sincerity, but seeing clearly the failure of his political efforts. With the great facts of the Roman Empire as they gradually formed themselves from the fall of Carthage when the Empire began[1] to the establishment of Augustus when it was consummated, I do not pretend to deal, although by far the most momentous of them were crowded into the life of Cicero. But in order that I may, if possible, show the condition of his mind towards the Republic,—that I may explain what it was that he hoped and why he hoped it,—I must go back and relate in a few words what it was that Marius and Sulla had done for Rome.

Of both these men all the doings with which history is greatly concerned were comprised within the early years of Cicero's life. Marius indeed was nearly fifty years of age

[1] B.C. 144. It was then that the foreign empire commenced, in ruling which the simplicity and truth of purpose and patriotism of the Republic were lost.

when his fellow townsman was born, and had become a distinguished soldier, and though born of humble parents had pushed himself to the Consulate. His quarrel with Sulla had probably commenced, springing from jealousy as to deeds done in the Jugurthine war. But it is not matter of much moment now that Marius had proved himself to be a good and hardy soldier, excepting in this,—that by making himself a soldier in early life he enabled himself in his latter years to become the master of Rome.

Sulla too was born thirty-two years before Cicero, — a patrician of the bluest blood,—and having gone, as we say, into public life, and having been elected Quæstor, became a soldier by dint of office,—as a man with us may become head of the Admiralty. As Quæstor he was sent to join Marius in Africa, a few months before Cicero was born. Into his hands as it happened, not into those of Marius, Jugurtha was surrendered by his father-in-law, Bocchus, who thought thus to curry favour with the Romans. Thence came those internecine feuds in which some twenty-five years later all Rome was lying butchered. The cause of quarrelling between these two men, the jealousies which grew in the heart of the elder from the renewed successes of the younger, are not much to us now; but the condition to which Rome had been brought, when two such men could scramble for the city and each cut the throats of the relatives, friends and presumed allies of the other, has to be inquired into by those who would understand what Rome had been, what it was, and what it was necessarily to become.

When Cicero was of an age to begin to think of these

things, and had put on the "toga virilis," and girt himself with a sword to fight under the father of Pompey for the power of Rome against the Italian allies who were demanding citizenship,—the quarrel was in truth rising to its bitterness. Marius and Sulla were on the same side in that war. But Marius had then not only been Consul, but had been six times Consul. And he had beaten the Teutons and the Cimbrians by whom Romans had feared that all Italy would be occupied. What was not within the power of such a leader of soldiers? And what else but a leader of soldiers could prevail when Italy and Rome, but for such a General, had been at the mercy of barbaric hordes, and when they had been compelled to make that General six times Consul?

Marius seems to have been no politician. He became a soldier and then a General, and because he was great as a soldier and General, the affairs of the State fell into his hands with very little effort. In the old days of Rome military power had been needed for defence, and successful defence had of course produced aggressive masterhood, and increased territory. When Hannibal, while he was still lingering in Italy, had been circumvented by the appearance of Scipio in Africa, and the Romans had tasted the increased magnificence of external conquest, the desire for foreign domination became stronger than that of native rule. From that time arms were in the ascendant rather than policy. Up to that time a Consul had to become a General because it was his business to look after the welfare of the State. After that time a man became a Consul in order that he might be a General. The toga was made to give way to the sword, and the noise of the Forum

to the trumpets. We, looking back now, can see that it must have been so, and we are prone to fancy that a wise man looking forward then might have read the future. In the days of Marius there was probably no man so wise. Cæsar was the first to see it. Cicero would have seen it but that the idea was so odious to him, that he could not acknowledge to himself that it need be so. His life was one struggle against the coming evil,—against the time in which brute force was to be made to dominate intellect and civilization. His "cedant arma togæ" was a scream, an impotent scream, against all that Sulla had done or Cæsar was about to do. The mischief had been effected years before his time, and had gone too far ahead to be arrested even by his tongue. Only in considering these things let us confess that Cicero saw what was good and what was evil, though he was mistaken in believing that the good was still within reach.

Marius in his way was a Cæsar,—as a soldier undoubtedly a very efficient Cæsar,—having that great gift of ruling his own appetites which enables those who possess it to conquer the appetites of others. It may be doubted whether his quickness in stopping and overcoming the two great hordes from the north, the Teutons and the Cimbrians, was not equal in strategy to anything that Cæsar accomplished in Gaul. It is probable that Cæsar learned much of his tactics from studying the manœuvres of Marius. But Marius was only a General. Though he became hot in Roman politics, audacious and confident, knowing how to use and how to disregard various weapons of political power as they had been handed

down by tradition and law, the "vetoes" and the auguries, and the official dignities, he used them,—or disregarded them,—in quest only of power for himself. He was able to perceive how vain was law in such a period as that in which he lived;—and that having risen by force of arms, he must by force of arms keep his place or lose his life. With him, at least, there was no idea of Roman liberty,—little probably of Roman glory except so far as military glory and military power go together.

Sulla was a man endowed with a much keener insight into the political condition of the world around him. To make a dash for power, as a dog might do, and keep it in his clutch as a dog would, was enough for Marius. Sulla could see something of future events. He could understand that by reducing men around him to a low level he could make fast his own power over them,—and that he could best do this by cutting off the heads of all who stood a little higher than their neighbours. He might thus produce tranquillity, and security to himself,—and others. Some glimmer of an idea of an Augustan rule was present to him, and with the view of producing it he reestablished many of the usages of the Republic, not reproducing the liberty but the forms of liberty. It seems to have been his idea that a Sullan party might rule the Empire by adherence to these forms. I doubt if Marius had any fixed idea of government. To get the better of his enemies and then to grind them into powder under his feet, to seize rank and power and riches, and then to enjoy them, to sate his lust with blood and money and women, at last even with wine, and to feed his revenge by remembering the hard things which he was made to endure during the

period of his overthrow,—this seems to have been enough for Marius.[1] With Sulla there was understanding that the Empire must be ruled, and that the old ways would be best if they could be made compatible with the newly concentrated power.

The immediate effect upon Rome either from one or from the other, was nearly the same. In the year 87 B.C. Marius occupied himself in slaughtering the Sullan party,—during which however Sulla escaped from Rome to the army of which he was selected as general and proceeded to Athens and the East with the object of conquering Mithridates. For, during these personal contests, the command of this expedition had been the chief bone of contention among them. Marius, who was by age unfitted, desired to obtain it in order that Sulla might not have it. In the next year, 86 B.C., Marius died, being then Consul for the seventh time. Sulla was away in the East, and did not return till 83 B.C. In the interval was that period of peace, fit for study of which Cicero afterwards spoke. "Triennium fere

[1] The reverses of fortune to which Marius was subjected, how he was buried up to his neck in the mud hiding in the marshes of Minturnæ, how he would have been killed by the traitorous magistrates of that city but that he quelled the executioners by the fire of his eyes; how he sat and glowered, a houseless exile, among the ruins of Carthage,—all which things happened to him while he was running from the partisans of Sulla,—are among the picturesque episodes of history. There is a tragedy called the *Wounds of Civil War*, written by Lodge, who was born some eight years before Shakespeare, in which the story of Marius is told with some exquisite poetry, but also with some ludicrous additions. The Gaul who is hired to kill Marius, but is frightened by his eyes, talks bad French mingled with bad English, and calls on Jesus in his horror!

fuit urbs sine armis."[1] Cicero was then twenty-two or twenty-three years old, and must well have understood from his remembrance of the Marian massacres what it was to have the city embroiled by arms. It was not that men were fighting, but that they were simply being killed at the pleasure of the slaughterer. Then Sulla came back 83 B.C., when Cicero was twenty-four, and if Marius had scourged the city with rods he scourged it with scorpions. It was the city in truth that was scourged, and not simply the hostile faction. Sulla began by proscribing 520 citizens, declaring that he had included in his list all that he remembered, and that those forgotten should be added on another day. The numbers were gradually raised to 4,700! Nor did this merely mean that those named should be caught and killed by some miscalled officers of justice.[2] All the public was armed against the wretched, and any who should protect them were also doomed to death. This, however, might have been comparatively inefficacious to inflict the amount of punishment intended by Sulla. Men generally do not specially desire to imbrue their hands in the blood of other men. Unless strong hatred be at work the ordinary man, even the ordinary Roman, will hardly rise up and slaughter another for the sake of the employment. But if lucre be added to blood, then blood can be made to flow copiously. This was what Sulla did. Not only was the victim's life proscribed, but his property was proscribed also. And the

[1] Brutus, ca. xc.

[2] Florus tells us that there were 2,000 senators and knights, but that any one was allowed to kill just whom he would. "Quis autem illos potest computare quos in erbe passim quisquis voluit occidit," lib. iii., ca. 21.

man who busied himself in carrying out the great butcher's business assiduously, ardently, and unintermittingly, was rewarded by the property so obtained. Two talents [1] was to be the fee for mere assassination; but the man who knew how to carry on well the work of an informer could earn many talents. It was thus that fortunes were made in the last days of Sulla. It was not only those 520 who were named for killing. They were but the firstlings of the flock,—the few victims selected before the real workmen understood how valuable a trade proscription and confiscation might be made. Plutarch tells us how a quiet gentleman walking, as was his custom, in the Forum, one who took no part in politics, saw his own name one day on the list. He had an Alban villa, and at once knew that his villa had been his ruin. He had hardly read the list and had made his exclamation before he was slaughtered. Such was the massacre of Sulla, coming with an interval of two or three years after those of Marius, between which was the blessed time in which Rome was without arms. In the time of Marius Cicero was too young, and of no sufficient importance on account of his birth or parentage, to fear anything. Nor is it probable that Marius would have turned against his townsmen. When Sulla's turn came Cicero, though not absolutely connected with the Dictator, was, so to say, on his side in politics. In going back even to this period we may use the terms Liberals and Conservatives for describing the two parties. Marius was

[1] About 487*l.* 10*s.* In Smith's Dictionary of Greek and Roman Antiquities the Attic talent is given as being worth 243*l.* 15*s.* Mommsen quotes the price as 12,000 denarii, which would amount to about the same sum.

for the people,—that is to say, he was opposed to the rule of the oligarchy, dispersed the senate, and loved to feel that his own feet were on the necks of the nobility. Of liberty, or rights, or popular institutions he recked nothing,—but not the less was he supposed to be on the people's side. Sulla, on the other hand, had been born a patrician, and affected to preserve the old traditions of oligarchic rule. And, indeed, though he took all the power of the State into his own hands, he did restore and for a time preserve these old traditions. It must be presumed that there was at his heart something of love for old Rome. The proscriptions began towards the end of the year 82 B.C., and were continued through eight or nine fearful months, up to the beginning of June, 81 B.C. A day was fixed at which there should be no more slaughtering,—no more slaughtering that is, without special order in each case, and no more confiscation,—except such as might be judged necessary by those who had not as yet collected their prey from past victims. Then Sulla as Dictator set himself to work to reorganise the old laws. There should still be Consuls and Prætors, but with restricted powers, lessened almost down to nothing. It seems hard to gather what was exactly the Dictator's scheme as the future depositary of power when he should himself have left the scene. He did increase the privileges of the Senate, but thinking of the Senate of Rome as he must have thought of it, esteeming those old men as lowly as he must have esteemed them, he could hardly have intended that imperial power should be maintained by dividing it among them. He certainly contemplated no

follower to himself, no heir to his power, as Cæsar did. When he had been practically Dictator about three years,—though he did not continue the use of the objectionable name,—he resigned his rule and walked down, as it were from his throne, into private life. I know nothing in history more remarkable than Sulla's resignation; and yet the writers who have dealt with his name give no explanation of it. Plutarch, his biographer, expresses wonder that he should have been willing to descend to private life, and that he who made so many enemies should have been able to do so with security. Cicero says nothing of it. He had probably left Rome before it occurred, and did not return till after Sulla's death. It seems to have been accepted as being in no especial way remarkable.[1] At his own demand the plenary power of Dictator had been given to him,—power to do all as he liked without reference either to the Senate or to the people, and with an added proviso that he should keep it as long as he thought fit and lay it down when it pleased him. He did lay it down, flattering himself probably that, as he had done his work, he would walk out from his dictatorship like some Camillus of old. There had been no dictator in Rome for more than a century and a quarter,—not since the time of Hannibal's great victories; and the old dictatorships lasted but for a few months or weeks, after which the Dictator having accomplished the special task, threw up his office.

[1] Suetonius speaks of his death. Florus mentions the proscriptions and abdication. Velleius Paterculus is eloquent in describing the horrors of the massacres and confiscation. Dio Cassius refers again and again to the Sullan cruelty. But none of them give a reason for the abdication of Sulla.

Sulla now affected to do the same; and Rome after the interval of three years, accepted the resignation in the old spirit. It was natural to them, though only by tradition, that a Dictator should resign,—so natural that it required no special wonder. The salt of the Roman Constitution was gone, but the remembrance of the savour of it was still sweet to the minds of the Romans.

It seems certain that no attempt was made to injure Sulla when he ceased to be nominally at the head of the army; but it is probable that he did not so completely divest himself of power as to be without protection. In the year after his abdication he died, at the age of sixty-one, apparently strong as regards general health, but,—if Plutarch's story be true,—affected with a terrible cutaneous disease.

Modern writers have spoken of Sulla as though they would fain have praised him if they dared, because in spite of his demoniac cruelty, he recognised the expedience of bringing the affairs of the Republic again into order. Middleton calls him the "only man in history in whom the odium of the most barbarous cruelties was extinguished by the glory of his great acts." Mommsen, laying the blame of the proscriptions on the head of the oligarchy, speaks of Sulla as being either a sword or a pen in the service of the State, as a sword or a pen would be required, and declares that in regard to the total "absence of political selfishness,—although it is true in this respect only,—Sulla deserves to be named side by side with Washington."[1] To us at present

[1] Vol. iii. p. 386. I quote from Mr. Dickson's translation, as I do not read German.

who are endeavouring to investigate the sources and the nature of Cicero's character, the attributes of this man would be but of little moment, were it not that Cicero was probably Cicero because Sulla had been Sulla. Horrid as the proscriptions and confiscations were to Cicero,—and his opinion of them was expressed plainly enough when it was dangerous to express them,[1]—still it was apparent to him that the cause of order, what we may call the best chance for the Republic, lay with the Senate and with the old traditions and laws of Rome, in the re-establishment of which Sulla had employed himself. Of these institutions Mommsen speaks with a disdain which we now cannot but feel to be justified. "On the Roman oligarchy of this period," he says, "no judgment can be passed save one of inexorable and remorseless condemnation; and, like everything connected with it, the Sullan constitution is involved in that condemnation."[2] We have to admit that the salt had gone out from it, and that there was no longer left any savour by which it could be preserved. But the German historian seems to err somewhat in this,—as have also some modern English historians,—that they have not sufficiently seen that the men of the day had not the means of knowing all that they, the historians, know. Sulla and his Senate thought that by massacring the Marian faction they had restored everything to an equilibrium. Sulla himself seems to have believed that when the thing

[1] In defending Roscius Amerinus, while Sulla was still in power, he speaks of the Sullan massacres as "pugna Cannensis," a slaughter as foul, as disgraceful, as bloody as had been the defeat at Cannæ.

[2] Mommsen, vol. iii. p. 385.

was accomplished Rome would go on, and grow in power and prosperity as she had grown, without other reforms than those which he had initiated. There can be no doubt that many of the best in Rome, the best in morals, the best in patriotism, and the best in erudition, did think that with the old forms the old virtue would come back. Pompey thought so, and Cicero. Cato thought so, and Brutus. Cæsar, when he came to think about it, thought the reverse. But even now, to us looking back with so many things made clear to us, with all the convictions which prolonged success produces, it is doubtful whether some other milder change,—some such change as Cicero would have advocated, might not have prevented the tyranny of Augustus, the mysteries of Tiberius, the freaks of Caligula, the folly of Claudius, and the madness of Nero.

It is an uphill task,—that of advocating the cause of a man who has failed. The Cæsars of the world are they who make interesting stories. That Cicero failed in the great purpose of his life has to be acknowledged. He had studied the history of his country and was aware that hitherto the world had produced nothing so great as Roman power; and he knew that Rome had produced true patriotism. Her Consuls, her Censors, her Tribunes, and her Generals had as a rule been true to Rome, serving their country, at any rate till of late years, rather than themselves. And he believed that liberty had existed in Rome though nowhere else. It would be well if we could realise the idea of liberty which Cicero entertained. Liberty was very dear to him,—dear to him not only as enjoying it himself, but

as a privilege for the enjoyment of others. But it was only the liberty of a few. Half the population of the Roman cities were slaves, and in Cicero's time the freedom of the city,—which he regarded as necessary to liberty,—belonged only to a small proportion of the population of Italy. It was the liberty of a small privileged class for which he was anxious. That a Sicilian should be free under a Roman Proconsul, as a Roman citizen was entitled to be, was abhorrent to his doctrine. The idea of cosmopolitan freedom,—an idea which exists with us but is not common to very many even now,—had not as yet been born;—that care for freedom which springs from a desire to do to others as we would that they should do to us. It required Christ to father that idea, and Cicero, though he was nearer to Christianity than any who had yet existed, had not reached it. But this liberty, though it was but of a few, was so dear to him, that he spent his life in an endeavour to preserve it. The kings had been expelled from Rome because they had trampled on liberty. Then came the Republic which we know to have been at its best no more than an oligarchy. But still it was founded on the idea that everything should be done by the votes of the free people. For many years everything was done by the votes of the free people. Under what inducements they had voted is another question. Clients were subject to their patrons and voted as they were told. We have heard of that even in England, where many of us still think that such a way of voting is far from objectionable. Perhaps compulsion was sometimes used, — a sort of

"rattening" by which large bodies were driven to the poll to carry this or the other measure. Simple eloquence prevailed with some, and with others flattery. Then corruption became rampant, as was natural, the rich buying the votes of the poor; and votes were bought in various ways,—by cheap food as well as by money, by lavish expenditure in games, by promises of land, and other means of bribery more or less overt. This was bad of course. Every freeman should have given a vote according to his conscience. But in what country, — the millennium not having yet arrived in any,—has this been achieved? Though voting in England has not always been pure, we have not wished to do away with the votes of freemen and to submit everything to personal rule. Nor did Cicero.

He knew that much was bad, and had himself seen many things that were very evil. He had lived through the dominations of Marius and Sulla, and had seen the old practices of Roman government brought down to the pretence of traditional forms. But still, so he thought, there was life left in the old forms if they could be revivified by patriotism, labour and intelligence. It was the best that he could imagine for the State,—infinitely better than the chance of falling into the bloody hands of one Marius and one Sulla after another. Mommsen tells us that nothing could be more rotten than the condition of oligarchical government into which Rome had fallen,—and we are inclined to agree with Mommsen because we have seen what followed. But that Cicero, living and seeing it all as a present spectator, should have hoped better

things, should not I think cause us to doubt either Cicero's wisdom or his patriotism. I cannot but think that had I been a Roman of those days I should have preferred Cicero with his memories of the past to Cæsar with his ambition for the future.

Looking back from our standing point of to-day we know how great Rome was,—infinitely greater as far as power is concerned than anything else which the world has produced. It came to pass that "Urbis et orbis" was not a false boast. Gradually growing from the little nest of robbers established on the banks of the Tiber, the people of Rome learned how to spread their arms over all the known world, and to conquer and rule while they drew to themselves all that the ingenuity and industry of other people had produced. To do this there must have been not only courage and persistence, but intelligence, patriotism, and superior excellence in that art of combination of which government consists. But yet, when we look back, it is hard to say when were the palmy days of Rome. When did those virtues shine by which her power was founded. When was that wisdom best exhibited from which came her capacity for ruling. Not in the time of her early kings whose mythic virtues, if they existed, were concerned but in small matters,—for the Rome of the kings claimed a jurisdiction extending as yet but a few miles from the city. And from the time of their expulsion, Rome, though she was rising in power, was rising slowly, and through such difficulties that the reader of history, did he not know the future, would think from time to time that the day of her destruction

had come upon her. Not when Brennus was at Rome with his Gauls, a hundred and twenty-five years after the expulsion of the kings, could Rome be said to have been great; nor when fifty or sixty years afterwards, the Roman army,—the only army which Rome then possessed,—had to lay down its arms in the Caudine Forks and pass under the Samnite yoke. Then when the Samnite wars were ended, and Rome was mistress in Italy,—mistress after all of no more than Southern Italy,—the Punic wars began. It could hardly have been during that long contest with Carthage which was carried on for nearly fifty years that the palmy days of Rome were at their best. Hannibal seems always to be the master. Trebia, Thrasymene and Cannæ, year after year, threaten complete destruction to the State. Then comes the great Scipio; and, no doubt, if we must mark an era of Roman greatness, it would be that of the battle of Zama and the submission of Carthage, 201 years before Christ. But with Scipio there springs up the idea of personal ambition. And in the Macedonian and Greek wars that follow, though the arm of Rome is becoming stronger every day and her shoulders broader, there is already the glamour of her decline in virtue. Her dealings with Antiochus, with Pyrrhus and with the Achæans, though successful, were hardly glorious. Then came the two Gracchi, and the reader begins to doubt whether the glory of the Republic is not already over. They demanded impossible reforms,—by means as illegal as they were impossible, and were both killed in popular riots. The war with Jugurtha followed in which the Romans were for years unsuccessful, and

during which German hordes from the north, rushed into Gaul and destroyed an army of 80,000 Romans. This brings us to Marius and to Sulla, of whom we have already spoken, and to that period of Roman politics, which the German historian describes as being open to no judgment "save one of inexorable and remorseless condemnation."

But in truth the history of every people and every nation will be subject to the same criticism if it be regarded with the same severity. In all that man has done as yet in the way of government the seeds of decay are apparent when looked back upon from an age in advance. The period of Queen Elizabeth was very great to us, yet by what dangers were we enveloped in her days! But for a storm at sea we might have been subjected to Spain. By what a system of falsehood and petty tyrannies were we governed through the reigns of James I. and Charles I.! What periods of rottenness and danger there have been since! How little glorious was the reign of Charles II., how full of danger that of William!—how mean those of the four Georges, with the dishonesty of ministers such as Walpole and Newcastle! And to-day,—are there not many who are telling us that we are losing the liberties which our forefathers got for us, and that no judgment can be passed on us "save one of inexorable and remorseless condemnation"? We are a great nation and the present threatenings are probably vain. Nevertheless the seeds of decay are no doubt inherent in our policies and our practices,—so manifestly inherent that future historians will pronounce upon them with certainty.

But Cicero, not having the advantage of distance, having simply in his mind the knowledge of the greatness which had been achieved, and in his heart a true love for the country which had achieved it and which was his own, encouraged himself to think that the good might be recovered and the bad eliminated. Marius and Sulla, Pompey also towards the end of his career if I can read his character rightly, Cæsar, and of course Augustus, being all destitute of scruple, strove to acquire, each for himself, the power which the weak hands of the Senate were unable to grasp. However much, or however little, the country of itself might have been to any of them, it seemed good to him,—whether for the country's sake or for his own,—that the rule should be in his own hands. Each had the opportunity, and each used it or tried to use it. With Cicero there is always present the longing to restore the power to the old constitutional possessors of it. So much is admitted even by his bitter enemies;—and I am sometimes at a loss whether to wonder most that a man of letters, dead two thousand years ago, should have enemies so bitter or a friend so keenly in earnest about him as I am. Cicero was aware,—quite as well as any who lived then, if he did not see the matter clearer even than any others,—that there was much that was rotten in the State. Men who had been murderers on behalf of Marius, and then others who had murdered on behalf of Sulla,—among whom that Catiline of whom we have to speak presently had been one,—were not apt to settle themselves down as quiet citizens. The laws had been set aside. Even the law-courts had been closed. Sulla

had been law, and the closets of his favourites had been the law-courts. Senators had been cowed and obedient. The Tribunes had only been mock Tribunes. Rome, when Cicero began his public life, was still trembling. The Consuls of the day were men chosen at Sulla's command. The army was Sulla's army. The courts were now again opened by Sulla's permission. The day fixed by Sulla when murderers might no longer murder,—or at any rate should not be paid for murdering,—had arrived. There was not, one would say, much hope for good things. But Sulla had reproduced the signs of order, and the best hope lay in that direction. Consuls, Prætors, Quæstors, Ædiles, even Tribunes, were still there. Perhaps it might be given to him, to Cicero, to strengthen the hands of such officers. At any rate there was no better course open to him by which he could serve his country.

The heaviest accusation brought against Cicero charges him with being insincere to the various men with whom he was brought in contact in carrying out the purpose of his life; and he has also been accused of having changed his purpose. It has been alleged that having begun life as a democrat he went over to the aristocracy as soon as he had secured his high office of State. As we go on it will be my object to show that he was altogether sincere in his purpose, that he never changed his political idea, and that in these deviations as to men and as to means,—whether for instance he was ready to serve Cæsar or to oppose him,—he was guided even in the insincerity of his utterances, by the sincerity of his

purpose. I think that I can remember even in Great Britain, even in the days of Queen Victoria, men sitting cheek by jowl on the same Treasury Bench who have been very bitter to each other in Parliament;—and friends, who have come to speak of each other with anything but friendly words. With us fidelity in friendship is happily a virtue. In Rome expedience governed everything. All I claim for Cicero is that he was more sincere than others around him.

CHAPTER IV.

HIS EARLY PLEADINGS,—SEXTUS ROSCIUS AMERINUS,—HIS INCOME.

We now come to the beginning of the work of Cicero's life. This at first consisted in his employment as an advocate,—from which he gradually rose into public or political occupation, as so often happens with a successful barrister in our time. We do not know with absolute certainty even in what year Cicero began his pleadings, or in what cause. It may probably have been in 81 B.C. when he was twenty-five—or in his twenty-sixth year. Of the pleadings of which we know the particulars, that in the defence of Sextus Roscius Amerinus, which took place undoubtedly in the year 80 B.C. ætat twenty-seven, was probably the earliest. As to that we have his speech nearly entire,—as we have also one for Publius Quintius which has generally been printed first among the orator's works. It has, however, I think been made clear that that spoken for Sextus Roscius came before it. It is certain that there had been others before either of them. In that for Sextus he says that he had never

B.C. 80, ætat 27.

spoken before in any public cause,[1] such as was the accusation in which he was now engaged, from which the inference has to be made that he had been engaged in private causes; and in that for Quintius he declares that there was wanting to him in that matter an aid which he had been accustomed to enjoy in others.[2] No doubt he had tried his 'prentice hand in cases of less importance. That of these two the defence of Sextus Roscius came first is also to be found in his own words. More than once in pleading for Quintius he speaks of the proscriptions and confiscations of Sulla as evils then some time past. These were brought nominally to a close in June 81;—but it has been supposed by those who have placed this oration first that it was spoken in that very year. This seems to have been impossible. "I am most unwilling," says he, "to call to mind that subject the very memory of which should be wiped out from our thoughts."[3] When the tone of the two speeches is compared it will become evident that that for Sextus Roscius was spoken the first. It was, as I have said, spoken in his twenty-seventh year B.C. 80.—the year after the proscription lists had been closed, when Sulla was still Dictator,

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[1] Pro Sexto Roscio, ca. xxi. "Quod antea causam publicam nullam dixerim." He says also in the Brutus, ca. xc., "Itaque prima causa publica, pro Sex Roscio dicta." By "publica causa" he means a criminal accusation in distinction from a civil action.

[2] Pro Publio Quintio, ca. i. "Quod mihi consuevit in ceteris causis esse adjumento, id quoque in hac causa deficit."

[3] Pro Publio Quintio, ca. xxi. "Nolo eam rem commemorando renovare, cujus omnino rei memoriam omnem tolli funditus ac deleri arbitror oportere."

and when the sales of confiscated goods though no longer legal were still carried on under assumed authority. As to such violation of Sulla's own enactment Cicero excuses the Dictator in this very speech, likening him to Great Jove the Thunderer. Even "Jupiter Optimus Maximus," as he is whose nod the heavens, the earth and seas obey,—even he cannot so look after his numerous affairs but what the winds and the storms will be too strong sometimes, or the heat too great, or the cold too bitter. If so how can we wonder that Sulla, who has to rule the State, to govern in fact the world, should not be able himself to see to everything? Jove probably found it convenient not to see many things. Such must certainly have been the case with Sulla.

I will venture, as other biographers have done before, to tell the story of Sextus Roscius of Amerina at some length because it is in itself a tale of powerful romance, mysterious, grim, betraying guilt of the deepest dye, misery most profound, and audacity unparalleled; because in a word it is as interesting as any novel that modern fiction has produced; and also I will tell it because it lets in a flood of light upon the condition of Rome at the time. Our hair is made to stand on end when we remember that men had to pick their steps in such a State as this, and to live if it were possible, and, if not, then to be ready to die. We come in upon the fag end of the proscription and see, not the bloody wreath of Sulla as he triumphed on his Marian foes, not the cruel persecution of the ruler determined to establish his order of things by slaughtering every foe; but the necessary accompaniments of such ruthless deeds,—those attendant villanies

for which the Jupiter Optimus Maximus of the day had neither ears nor eyes. If in history we can ever get a glimpse at the real life of the people, it is always more interesting than any account of the great facts however grand.

The Kalends of June had been fixed by Sulla as the day on which the slaughter legalized by the proscriptions should cease. In the September following an old gentleman named Sextus Roscius was murdered in the streets of Rome as he was going home from supper one night, attended by two slaves. By whom he was murdered probably more than one or two knew then, but nobody knows now. He was a man of reputation, well acquainted with the Metelluses and Messalas of the day, and passing rich. His name had been down on no proscription list, for he had been a friend of Sulla's friends. He was supposed when he was murdered to be worth about six million of sesterces, or something between fifty and sixty thousand pounds of our money. Though there was at that time much money in Rome this amounted to wealth ;—and though we cannot say who murdered the man, we may feel sure that he was murdered for his money.

Immediately on his death his chattels were seized and sold, —or divided probably without being sold, — including his slaves, in whom as with every rich Roman much of his wealth was invested. And his landed estates,—his farms of which he had many,—were also divided. As to the actual way in which this was done we are left much in the dark. Had the name of Sextus Roscius been on one of the lists, even though the list would then have been out of date, we

could have understood that it should have been so. Jupiter Optimus Maximus could not see everything, and great advantages were taken. We must only suppose that things were so much out of order that they who had been accustomed to seize upon the goods of the proscribed were able to stretch their hands so as to grasp almost anything that came in their way. They could no longer procure a rich man's name to be put down on the list, but they could pretend that it had been put down. At any rate certain persons seized and divided the chattels of the murdered man as though he had been proscribed.

Old Roscius when he was killed had one son of whom we are told that he lived always in the country at Ameria, looking after his father's farms, never visiting the Capital which was distant from Ameria something under fifty miles, a rough, uncouth, and probably honest man,—one at any rate to whom the ways of the city were unknown, and who must have been but partially acquainted with the doings of the time.[1] As we read the story we feel that very much depends on the character of this man, and we are aware that our only description of him comes from his own advocate. Cicero would probably say much which, though beyond the truth, could not be absolutely refuted; but would state as facts nothing that was absolutely false. Cicero describes him

[1] Pro Roscio, ca. xlix. Cicero says of him that he would be sure to suppose that anything would have been done according to law of which he should be told that it was done by Sulla's order. "Putat homo imperitus morum, agricola et rusticus, ista omnia, quæ vos per Sullam gesta esse dicitis, more, lege, jure gentium facta."

as a middle-aged man, who never left his farm, doing his duty well by his father as whose agent he acted on the land, a simple, unambitious, ignorant man, to whom one's sympathies are due rather than our antipathy, because of his devotion to agriculture. He was now accused of having murdered his father. The accusation was conducted by one Erucius, who in his opening speech, — the speech made before that by Cicero, — had evidently spoken ill of rural employments. Then Cicero reminds him and the judges, and the Court, how greatly agriculture had been honoured in the old days, when Consuls were taken from the ploughs. The imagination, however, of the reader pictures to itself a man who could hardly have been a Consul at any time, one silent, lonely, uncouth, and altogether separate from the pleasant intercourses of life. Erucius had declared of him that he never took part in any festivity. Cicero uses this to show that he was not likely to have been tempted by luxury to violence. Old Roscius had had two sons, of whom he had kept one with him in Rome,—the one probably whose society had been dearest to him. He, however, had died, and our Roscius,—Sextus Roscius Amerinus as he came to be called when he was made famous by the murder, was left on one of the farms down in the country. The accusation would probably not have been made, had he not been known to be a man sullen, silent, rough, and unpopular;—as to whom such a murder might be supposed to be credible.

Why should any accusation have been made unless there was clear evidence as to guilt? That is the first question which presents itself. This son received no benefit from his

father's death. He had in fact been absolutely beggared by it,—had lost the farm, the farming utensils, every slave in the place,—all of which had belonged to his father and not to himself. They had been taken—and divided; taken by persons called "Sectores," informers or sequestrators who took possession of and sold,—or did not sell,—confiscated goods. Such men in this case had pounced down upon the goods of the murdered man at once and swallowed them all up, not leaving an acre or a slave to our Roscius. Cicero tells us who divided the spoil among them. There were two other Rosciuses,—distant relatives probably,—both named Titus; Titus Roscius Magnus who sojourned in Rome, and who seems to have exercised the trade of informer and assassin during the proscriptions, and Titus Roscius Capito who when at home lived at Ameria, but of whom Cicero tells us that he had become an apt pupil of the other during this affair. They had got large shares, but they shared also with one Chrysogonus, the freedman and favourite of Sulla, who did the dirty work for Jupiter Optimus Maximus, when Jupiter Optimus Maximus had not time to do it himself. We presume that Chrysogonus had the greater part of the plunder. As to Capito, the apt pupil, we are told again and again that he got three farms for himself.

Again it is necessary to say that all these facts come from Cicero who, in accordance with the authorised practice of barristers, would scruple at saying nothing which he found in his instructions. How instructions were conveyed to an advocate in those days we do not quite know. There was no system of attorneys. But the story was probably made out

for the "patronus" or advocate by an underling, and in some way prepared for him. That which was thus prepared he exaggerated as the case might seem to require. It has to be understood of Cicero that he possessed great art and, no doubt, great audacity in such exaggeration;—in regard to which we should certainly not bear very heavily upon him now unless we are prepared to bear more heavily upon those who do the same thing in our own more enlightened days. But Cicero, even as a young man, knew his business much too well to put forward statements which could be disproved. The accusation came first; then the speech in defence;—after that the evidence, which was offered only on the side of the accuser and which was subject to cross-examination. Cicero would have no opportunity of producing evidence. He was thus exempted from the necessity of proving his statements, but was subject to have them all disproved. I think we may take it for granted that the property of the murdered man was divided as he tells us.

If that was so, why should any accusation have been made? Our Sextus seems to have been too much crushed by the dangers of his position to have attempted to get back any part of his father's wealth. He had betaken himself to the protection of a certain noble lady, one Metella, whose family had been his father's friends, and by her and her friends the defence was no doubt managed. "You have my farms," he is made to say by his advocate. "I live on the charity of another. I abandon everything because I am placid by nature, and because it must be so. My house which is closed to me, is open to you. I endure it. You have possessed

yourself of my whole establishment. I have not one single slave. I suffer all this and feel that I must suffer it. What do you want more? Why do you persecute me further? In what do you think that I shall hurt you? How do I interfere with you? In what do I oppose you? Is it your wish to kill a man for the sake of plunder? You have your plunder. If for the sake of hatred, what hatred can you feel against him of whose land you have taken possession before you had even known him?"[1] Of all this which is the advocate's appeal to pity we may believe as little as we please. Cicero is addressing the judge, and desires only an acquittal. But the argument shows that no overt act in quest of restitution had as yet been made. Nevertheless Chrysogonus feared such action, and had arranged with the two Tituses that something should be done to prevent it. What are we to think of the condition of a city in which not only could a man be murdered for his wealth walking home from supper; —that indeed might happen in London if there existed the means of getting at the man's money when the man was dead;—but in which such a plot could be concerted in order that the robbery might be consummated? "We have murdered the man and taken his money under the false plea that his goods had been confiscated. Friends we find are interfering; —these Metellas and Metelluses probably. There is a son who is the natural heir. Let us say that he killed his own father. The courts of law which have only just been reopened since the dear days of proscription disorder and confiscation

[1] Pro Sexto Roscio, ca. 1.

will hardly yet be alert enough to acquit a man in opposition to the Dictator's favourite. Let us get him convicted, and as a parricide, sewn up alive in a bag and thrown into the river,"—as some of us have perhaps seen cats drowned, for such was the punishment;—" and then he at least will not disturb us." It must have thus been that the plot was arranged.

It was a plot so foul that nothing could be fouler; but not the less was it carried out persistently with the knowledge and the assistance of many. Erucius, the accuser, who seems to have been put forward on the part of Chrysogonus, asserted that the man had caused his father to be murdered because of hatred. The father was going to disinherit the son, and therefore the son murdered the father. In this there might have been some probability had there been any evidence of such an intention on the father's part. But there was none. Cicero declares that the father had never thought of disinheriting his son. There had been no quarrel, no hatred. This had been assumed as a reason,—falsely. There was in fact no cause for such a deed. Nor was it possible that the son should have done it. The father was killed in Rome, when, as was evident, the son was fifty miles off. He never left his farm. Erucius, the accuser, had said and had said truly, that Rome was full of murderers.[1] But who was the most likely to have employed such a person,—this rough husbandman who had no intercourse with Rome, who knew no one there, who knew little of Roman ways, who had

[1] Pro Sexto Roscio, ca. xxix. "Ejusmodi tempus erat, inquit, ut homines vulgo impune occiderentur."

nothing to get by the murder when committed,—or they who had long been concerned with murderers, who knew Rome, and who were now found to have the property in their hands?

The two slaves who had been with the old man when he was killed,—surely they might tell something? Here there comes out incidentally the fact that slaves when they were examined as witnesses were tortured, quite as a matter of course, so that their evidence might be extracted. This is spoken of with no horror by Cicero, nor, as far as I can remember, by other Roman writers. It was regarded as an established rule of life that a slave if brought into a court of law should be made to tell the truth by such appliances. This was so common that one is tempted to hope and almost to suppose that the "Question" was not ordinarily administered with circumstances of extreme cruelty. We hear, indeed, of slaves having their liberty given them in order that being free they may not be forced by torture to tell the truth;[1] but had the cruelty been of the nature described by Scott in "Old Mortality," when the poor preacher's limbs were mangled, I think we should have heard more of it. Nor was the torture always applied;—but only when the expected evidence was not otherwise forthcoming. Cicero explains in the little dialogue given below how the thing was carried on.[2] "You had better tell the truth now, my friend;

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[1] Pro T. A. Milone, ca. xxi. "Cur igitur eos manumisit? Metuebat scilicit ne indicarent; ne dolorem perferre non possent."

[2] Pro T. A. Milone, ca. xxii. "Heus tu, Ruscio, verbi gratia, cave sis mentiaris. Clodius insidias fecit Miloni? Fecit. Certa crux. Nullas fecit. Sperata libertas."

—Was it so and so?" The slave knows that if he say it was so, there is the cross for him, or the "little horse,"—but that if he will say the contrary he will save his joints from racking. And yet the evidence went for what it was worth.

In this case of Roscius there had certainly been two slaves present; but Cicero who, as counsel for the defence could call no witnesses, had not the power to bring them into court. Nor could slaves have been made to give evidence against their masters. These slaves who had belonged to the murdered man, were now the property either of Chrysogonus or of the two Tituses. There was no getting at their evidence but by permission of their masters, and this was withheld. Cicero demands that they shall be produced, knowing that the demand will have no effect. "The man here," he says pointing to the accused, "asks for it,—prays for it. What will you do in this case? Why do you refuse?"[1]

By this time the reader is brought to feel that the accused person cannot possibly have been guilty,—and if the reader, how much more the hearer. Then Cicero goes on to show who in truth were guilty. "Doubt now if you can, judges, by whom Roscius was killed; whether by him who by his father's death is plunged into poverty and trouble,—who is forbidden even to investigate the truth,—or by those who are afraid of real evidence, who themselves possess the plunder, who live in the midst of murder, and on the proceeds of murder."[2]

Then he addresses one of the Tituses, Titus Magnus, who

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[1] Pro Sexto Roscio, ca. xxviii. [2] Ibid.

seems to have been sitting in the Court, and who is rebuked for his impudence in doing so. Who can doubt who was the murderer;—you who have got all the plunder or this man who has lost everything?" "But if it be added to this, that you were a pauper before, that you have been known as a greedy fellow, as a dare-devil; as the avowed enemy of him who has been killed,—then need one ask what has brought you to do such a deed as this?" [1]

He next tells what took place, as far as it was known, immediately after the murder. The man had been killed coming home from supper,—in September after it was dark, say at eight or nine o'clock,—and the fact was known in Ameria before dawn. Travelling was not then very quick; but a messenger, one Mallius Glaucia, a man on very close terms with Titus Magnus, was sent down at once in a light gig to travel through the night and take the information to Titus Capito. Why was all this hurry? How did Glaucia hear of the murder so quickly? What cause to travel all through the night? Why was it necessary that Capito should know all about it at once? I cannot think, says Cicero, only that I see that Capito has got three of the farms out of the thirteen which the murdered man owned! But Capito is to be produced as a witness and Cicero gives us to understand what sort of cross-examination he will have to undergo.

In all this the reader has to imagine much and to come to conclusions as to facts of which he has no evidence. When

[1] Pro Sexto Roscio, ca. xxxi.

that hurried messenger was sent there was probably no idea of accusing the son. The two real contrivers of the murder would have been more on their guard had they intended such a course. It had been conceived that when the man was dead and his goods seized the fear of Sulla's favourite, the still customary dread of the horrors of the time, would cause the son to shrink from inquiry. Hitherto when men had been killed and their goods taken,—even if the killing and the taking had not been done strictly in accordance with Sulla's ordinance,—it had been found safer to be silent and to endure. But this poor wretch, Sextus, had friends in Rome. Friends who were friends of Sulla, of whom Chrysogonus and the Tituses had probably not bethought themselves. When it came to pass that more stir was made than they had expected, then the accusation became necessary.

But in order to obtain the needed official support and aid Chrysogonus must be sought. Sulla was then at Volaterra, in Etruria, perhaps 150 miles north-west from Rome, and with him was his favourite Chrysogonus. In four days from the time of this murder the news was carried thither, and,—so Cicero states,—by the same messenger, by Glaucia, who had taken them to Ameria. Chrysogonus immediately saw to the selling of the goods, and from this Cicero implies that Chrysogonus and the two Tituses were in partnership.

But it seems that when the fact of the death of old Roscius was known at Ameria,—at which place he was an occasional resident himself and the most conspicuous man in the place,—the inhabitants, struck with horror, determined to send

a deputation to Sulla. Something of what was being done with their townsman's property was probably known, and there seems to have been a desire for justice. Ten townsmen were chosen to go to Sulla and to beg that he would personally look into the matter. Here again we are very much in the dark because this very Capito to whom these farms were allotted as his share, was not only chosen to be one of the ten but, actually became their spokesman and their manager. The great object was to keep Sulla himself in the dark, and this Capito managed to do, by the aid of Chrysogonus. None of the ten were allowed to see Sulla. They are hoaxed into believing that Chrysogonus himself will look to it, and so they go back to Ameria having achieved nothing. We are tempted to believe that the deputation was a false deputation, each of whom probably had his little share,—so that in this way there might be an appearance of justice. If it was so Cicero has not chosen to tell that part of the story, having no doubt some good advocate's reason for omitting it.

So far the matter had gone with the Tituses, and with Chrysogonus who had got his lion's share. Our poor Roscius the victim did at first abandon his property, and allow himself to be awed into silence. We cannot but think that he was a poor creature, and can fancy that he had lived a wretched life during all the murders of the Sullan proscriptions. But in his abject misery he had found his way up among the great friends of his family at Rome,—and had there been charged with the parricide

because Chrysogonus and the Tituses began to be afraid of what these great friends might do.

This is the story as Cicero has been able to tell it in his speech. Beyond that we only know that the man was acquitted. Whether he got back part of his father's property there is nothing to inform us. Whether further inquiry was made as to the murder, whether evil befell those two Tituses, or Chrysogonus were made to disgorge, there has been no one to inform us. The matter was of little importance in Rome, where murders and organised robberies of the kind were the common incidents of everyday life. History would have meddled with nothing so ordinary had not it happened that the case fell into the hands of a man so great a master of his language that it has been worth the while of ages to perpetuate the speech which he made in the matter. But the story as a story of Roman life, is interesting, and it gives a slight aid to history in explaining the condition of things which Sulla had produced.

The attack upon Chrysogonus is bold, and cannot but have been offensive to Sulla, though Sulla is by name absolved from immediate blame. Chrysogonus himself, the favourite, he does not spare, saying words so bitter of tone that one would think that the judges, Sulla's judges, would have stopped him had they been able. "Putting aside Sextus Roscius," he says, "I demand first of all, why the goods of an esteemed citizen were sold; then why have the goods been sold of one who had not himself been proscribed and who had not been killed while defending Sulla's enemies? It is against those only that the law is made. Then I demand

why they were sold when the legal day for such sales had passed;—and why they were sold for such a trifle.[1] Then he gives us a picture of Chrysogonus flaunting down the streets. "You have seen him, judges, how with his locks combed and perfumed he swims along the Forum," —he a freedman, with a crowd of Roman citizens at his heels, that all may see that he thinks himself inferior to none,—"the only happy man of the day, the only one with any power in his hands."[2]

This trial was as has been said a "causa publica," a criminal accusation of such importance as to demand that it should be tried before a full bench of judges. Of these the number would be uncertain, but they were probably above fifty. The Prætor of the day, — the Prætor to whom by lot had fallen for that year that peculiar duty, —presided and the judges all sat round him. Their duty seems to have consisted in listening to the pleadings and then in voting. Each judge could vote[3] "guilty," "acquitted," —or "not proven," as they do in Scotland. They were in fact jurymen rather than judges. It does not seem that any amount of legal lore was looked for specially in the judges, who at different periods, had been taken from

[1] Pro Sexto Roscio, ca. xlv.

[2] Pro Sexto Roscio, ca. xlvi. The whole picture of Chrysogonus, of his house, of his luxuries, and his vanity is too long for quotation, but is worth referring to by those who wish to see how bold and how brilliant Cicero could be.

[3] They put in tablets of wax, on which they recorded their judgment by inscribed letters, C, A, or N L,—Condemno,—Absolvo,—or Non liquet, intending to show that the means of coming to a decision did not seem to be sufficient.

various orders of the citizens, but who at this moment, by a special law enacted by Sulla, were selected only from the Senators. We have ample evidence that at this period the judges in Rome were most corrupt. They were tainted by a double corruption, that of standing by their order, instead of standing by the public, each man among them feeling that his turn to be accused might come;—and that also of taking direct bribes. Cicero on various occasions,—on this for instance and notably in the trial of Verres to which we shall come soon,—felt very strongly that his only means of getting a true verdict from the majority of judges was to frighten them into temporary honesty by the magnitude of the occasion. If a trial could be slurred through, with indifferent advocates, with nothing to create public notice, with no efforts of genius to attract admiration and a large attendance and consequent sympathy, the judgment would, as a matter of course, be bought. In such a case as this of Sextus Roscius, the poor wretch, would be condemned, sewn up in his bag and thrown into the sea, a portion of the plunder would be divided among the judges, and nothing further would be said about it. But if an orator could achieve for himself such a reputation that the world would come and listen to him, if he could so speak that Rome should be made to talk about the trial, then might the judges be frightened into a true verdict. It may be understood therefore of what importance it was to obtain the services of a Cicero,—or of a Hortensius, who was unrivalled at the Roman bar when Cicero began to plead.

There were three special modes of oratory in which Cicero displayed his powers. He spoke either before the judges,—a large body of judges who sat collected round the Prætor as in the case of Sextus Roscius, or in cases of civil law before a single judge, selected by the Prætor, who sat with an assessor, as in the case of Roscius the actor, which shall be mentioned just now. This was the recognised work of his life, in which he was engaged at any rate in his earlier years. Or he spoke to the populace, in what was called the Concio or assembly of the people,—speeches made before a crowd called together for a special purpose, as were the second and third orations against Catiline. Or in the Senate, in which a political rather than a judicial sentence was sought from the votes of the Senators. There was a fourth mode of address, which in the days of the Emperors became common, when the advocate spoke, "ad Principem,"—that is to the Emperor himself or to some ruler acting for him as sole judge. It was thus that Cicero pleaded before Cæsar for Ligarius and for King Deiotarus in the latter years of his life. In each of these a separate manner and a distinct line had to be adopted, in all of which he seems to have been equally happy,—and equally powerful. In judging of his speeches we are bound to remember that they were not probably uttered with their words arranged as we read them. Some of those we have were never spoken at all,—as was the case with the five last Verrene orations, and with the second, by far the longest, of the Philippics. Some, as was specially the case with the defence of Milo the language of which is perhaps as perfect as that of any oration which has reached us from ancient or

modern days, were only spoken in part, so that that which we read bears but small relation to that which was heard. All were probably retouched for publication.[1] That words so perfect in their construction should have flowed from a man's mouth, often with but little preparation, we cannot conceive. But we know from the evidence of the day and from the character which remained of him through after Roman ages, how great was the immediate effect of his oratory. We can imagine him, in this case of Sextus Roscius, standing out in the open air in the Forum, with the movable furniture of the court around him, the seats on which the judges sat with the Prætor in the midst of them,—all Senators in their white robes with broad purple borders. There too, were seated, we may suppose on lower benches, the friends of the accused and the supporters of the accusation, and around, at the back of the orator, was such a crowd as he by the character of his eloquence may have drawn to the spot. Cicero was still a young man, but his name had made itself known, and we can imagine that some tidings had got abroad as to the bold words which would be spoken in reference to Sulla and Chrysogonus. The scene must have been very different from that of one of our dingy courts in which the ermine is made splendid only by the purity and learning of the man who wears it. In Rome all exterior gifts were there. Cicero knew how to use them so that the judges who made so large

[1] Quintilian tells us, lib. x. ca. vii.,—that Cicero's speeches as they had come to his day had been abridged,—by which he probably means only arranged,—by Tiro his slave and secretary and friend. "Nam Ciceronis ad præsens modo tempus aptatos libertus Tiro contraxit."

a part in the pageant should not dare to disgrace themselves, because of its publicity. Quintilian gives his pupils much advice as to the way in which they should dress themselves [1] and hold their togas,—changing the folds of the garment so as to suit the different parts of the speech,—how they should move their arms and hold their heads, and turn their necks; even how they should comb their hair, when they came to stand in public and plead at the bar. All these arts, with many changes no doubt as years rolled on, had come down to him from days before Cicero; but he always refers to Cicero as though his were the palmy days of Roman eloquence. We can well believe that Cicero had studied many of these arts by his twenty-seventh year, that he knew how to hold his toga and how to drop it, how to make the proper angle with his elbow, how to comb his hair and yet not be a fop, and to add to the glory of his voice all the personal graces which were at his command.

Sextus Roscius Amerinus, with all his misfortunes, injustices, and miseries, is now to us no more than the name of a fable; but to those who know it, the fable is, I think, more attractive than most novels.

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[1] Quintilian, lib. xi. ea. iii. "Nam et toga, et ealceus, et capillus, tam nimia eura, quam negligentia, sunt reprehendenda." . . . . "Sinistrum braehium eo usque allevandum est, ut quasi normalem illum angulum faciat." Quint. lib. xii. ea. x., "ne hirta toga sit;" don't let the toga be rumpled; "non serica;" the silk here interdicted was the silk of effeminaey, not that silk of authority of whieh our barristers are proud. "Ne intonsum eaput; non in gradus atque annulos eomptum." It would take too much spaee were I to give here all the lessons taught by this professor of deportment as to the wearing of the toga.

We know that Cicero pleaded other causes before he went to Greece in the year 79, B.C.—especially those for Publius Quintius of which we have his speech, and that for a lady of Arretium in which he defended her right to be regarded as a free woman of that city. In this speech he again attacked Sulla, the rights of the lady in question having been placed in jeopardy by an enactment made by the Dictator. And again Cicero was successful. This is not extant. Then he started on his travels, as to which I have already spoken. While he was absent Sulla died, and the condition of the Republic during his absence was anything but hopeful. Lepidus was Consul during these two years, than whom no weaker officer ever held rule in Rome,—or rebelled against Rome; and Sertorius, who was in truth a great man, was in arms against Rome, in Spain, as a rebel, though he was in truth struggling to create a new Roman power, which should be purer than that existing in Italy. What Cicero thought of the condition of his country at this time we have no means of knowing. If he then wrote letters they have not been preserved. His spoken words speak plainly enough of the condition of the courts of law, and let us know how resolved he was to oppose himself to their iniquities. A young man may devote himself to politics with as much ardour as a senior, but he cannot do so if he be intent on a profession. It is only when his business is so well grasped by him as to sit easily on him, that he is able to undertake the second occupation.

There is a rumour that Cicero, when he returned home from Greece, thought for a while of giving himself up to philosophy,—so that he was called Greek and Sophist, in

ridicule. It is not however to be believed that he ever for a moment abandoned the purpose he had formed for his own career. It will become evident, as we go on with his life, that this so-called philosophy of the Greeks was never to him a matter of more than interesting inquiry. A full active human life, in which he might achieve for himself all the charms of high rank, gilded by intelligence, erudition, and refined luxury, in which also he might serve his country, his order, and his friends,—just such a life as our leading men propose to themselves here, to-day, in our own country,—this is what Cicero had determined to achieve from his earliest years, and it was not likely that he should be turned from it by the pseudo-logic of Greek philosophers. That the logic even of the Academy was false to him we have ample evidence not only in his life but in his writings. There is a story that during his travels he consulted the oracle at Delphi as to his future career, and that on being told that he must look to his own genius and not to the opinion of the world at large he determined to abandon the honours of the Republic. That he should have talked among the young men of the day of his philosophic investigations till they laughed at him and gave him a nickname, may be probable, but it cannot have been that he ever thought of giving up the bar.

In the year of his return to Rome, when he was thirty, he married Terentia, a noble lady, of whom we are informed that she had a good fortune and that her sister was one of the Vestal Virgins.[1] Her nobility is inferred from the fact that

[1] A doubt has been raised whether he was not married when he went to Greece, as otherwise his daughter would seem to have become a wife earlier than is probable. The date, however, has been generally given as it is stated here.

the virgins were as a rule chosen from the noble families, though the law required only that they should be the daughters of free parents and of persons engaged in no mean pursuits. As to the more important question of Terentia's fortune there has never been a doubt. Plutarch, however, does not make it out to have been very great, assuming a sum which was equal to about 4,200*l.* of our money. He tells us at the same time that Cicero's own fortune was less than 4,000*l.* But in both of these statements Plutarch, who was forced to take his facts when he could get them and was not very particular in his authority, probably erred. The early education of Cicero, and the care taken to provide him with all that money could purchase, is, I think, conclusive of his father's wealth, and the mode of life adopted by Cicero shows that at no period did he think it necessary to live as men do live with small incomes.

We shall find as we go on that he spent his money freely, as men did at Rome who had the command of large means. We are aware that he was often in debt. We find that from his letters. But he owed money not as a needy man does, but as one who is speculative, sanguine, and quite confident of his own resources. The management of incomes was not so fixed a thing then as it is with us now. Speculation was even more rampant, and rising men were willing, —and were able,—to become indebted for enormous sums, having no security to offer but the promise of their future career. Cæsar's debts during various times of his life were proverbial. He is said to have owed over £300,000 before he reached his first step in the public employment. Cicero

rushed into no such danger as this. We know, indeed, that when the time came to him for public expenditure on a great scale,—as for instance when he was filling the office of Ædile,—he kept within bounds and would not lavish money which he did not possess. We know also that he refrained,—altogether refrained,—from the iniquitous modes of making large fortunes which were open to the great politicians of the Republic. To be Quæstor that he might be Ædile, Ædile that he might be Prætor and Consul, and Prætor and Consul that he might rob a Province,—pillage Sicily, Spain, or Asia, and then at last come back a rich man, rich enough to settle with all his creditors, and to bribe the judges should he be accused for his misdeeds,—these were the usual steps taken by enterprising Romans towards power, wealth, and enjoyment. But it will be observed, in this sequence of circumstances, the robbery of the Province was essential to success. This was sometimes done after so magnificent a fashion as to have become an immortal fact in history. The instance of Verres will be narrated in the next chapter but one. Something of moderation was more general, so that the fleeced provincial might still live and prefer sufferance to the doubtful chances of recovery. A Proconsul might rob a great deal and still return with hands apparently clean, bringing with him a score of provincial Deputies to laud his goodness before the citizens at home. But Cicero robbed not at all. Even they who have been most hard upon his name, accusing him of insincerity and sometimes of want of patriotism because his Roman mode of declaring himself without reserve in his letters has been perpetuated for us

by the excellence of their language, — even they have acknowledged that he kept his hands studiously clean in the service of his country, when to have clean hands was so peculiar as to be regarded as absurd.

There were other means in which a noble Roman might make money, and might do so without leaving the city. An orator might be paid for his services as an advocate. Cicero, had such a trade been opened to him, might have made almost any sum to which his imagination could have stretched itself. Such a trade was carried on to a very great extent. It was illegal,—such payment having been forbidden by the "Lex Cincia De Muneribus" passed more than a century before Cicero began his pleadings.[1] But the law had become a dead letter in the majority of cases. There can be no doubt that Hortensius the predecessor and great rival of Cicero took presents if not absolute payment. Indeed the myth of honorary work, which is in itself absurd, was no more practicable in Rome than it has been found to be in England, where every barrister is theoretically presumed to work for nothing. That the "Lex Cincia," as far as the payment of advocates went, was absurd may be allowed by us all. Services for which no regular payment can be exacted will always cost more than those which have a defined price. But Cicero would not break the law. It has been hinted rather than stated that he, like other orators of the day, had his price. He himself tells us that he took

[1] Tacitus, Annal. xi. 5, says, "Qua cavetur antiquitus, ne quis, ob causam orandam, pecuniam donumve accipiat."

nothing; and no instance has been adduced that he had ever done so. He is free enough in accusing Hortensius of having accepted a beautiful statuette, an ivory sphinx of great value. What he knew of Hortensius, Hortensius would have known of him, had it been there to know. And what Hortensius, or others, had heard would certainly have been told. As far as we can learn there is no ground for accusing Cicero of taking fees or presents beyond the probability that he would do so. I think we are justified in believing that he did not do so, because those who watched his conduct closely found no opportunity of exposing him. That he was paid by different allied States for undertaking their protection in the Senate is probable, such having been a custom not illegal. We know that he was specially charged with the affairs of Dyrrachium, and had probably amicable relations with other allied communities. This, however, must have been later in life, when his name was sufficiently high to ensure the value of his services, and when he was a Senator.

Noble Romans also, noble as they were and infinitely superior to the little cares of trade, were accustomed to traffic very largely in usury. We shall have a terrible example of such baseness on the part of Brutus,—that Brutus whom we have been taught to regard as almost on a par with Cato in purity. To lend money to citizens, or more profitably to allied states and cities, at enormous rates of interest, was the ordinary resource of a Roman nobleman in quest of revenue. The allied city, when absolutely eaten to the bone by one noble Roman who had plundered it as Proconsul or Governor, would escape from its immediate

embarrassment by borrowing money from another noble Roman, who would then grind its very bones in exacting his interest and his principal. Cicero in the most perfect of his works, the treatise De Officiis, an essay in which he instructs his son as to the way in which a man should endeavour to live so as to be a gentleman,—inveighs both against trade and usury. When he tells us that they are to be accounted mean who buy in order that they may sell, we, with our later lights, do not quite agree with him,—although he founds his assertion on an idea which is too often supported by the world's practice, namely, that men cannot do a retail business profitably without lying.[1] The doctrine, however, has always been common that retail trade is not compatible with noble bearing, and was practised by all Romans who aspired to be considered among the upper classes. That other and certainly baser means of making money by usury was, however, only too common. Crassus, the noted rich man of Rome in Cæsar's day, who was one of the first Triumvirate, and who perished ignominiously in Parthia, was known to have gathered much of his wealth by such means. But against this Cicero is as staunchly severe as against shopkeeping. "First of all," he says, "these profits are despicable, which incur the hatred of men, such as those of gatherers of custom and lenders of money on usury."[2]

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[1] De Off. lib. i. ca. xlii. "Sordidi etiam putandi, qui mercantur a mercatoribus, quod statim vendant. Nihil enim proficiunt, nisi admodum mentiantur."

[2] De Off. lib. i. ca. xlii. "Primum improbantur ii quæstus, qui in odia hominum incurrunt: ut portitorum ut fœneratorum." The Portitores were

Again we are entitled to say that Cicero did not condescend to enrich himself by the means which he himself condemns because had he done so the accusations made against him by his contemporaries would have reached our ears. Nor is it probable that a man in addressing his son as to rules of life would have spoken against a method of gathering riches which, had he practised it himself, must have been known to his son. His rules were severe as compared with the habits of the time. His dear friend Atticus did not so govern his conduct, or Brutus, who when he wrote the De Officiis was only less dear to him than Atticus. But Cicero himself seems to have done so faithfully. We learn from his letters that he owned house-property in Rome to a considerable extent, having probably thus invested his own money or that of his wife. He inherited also the family-house at Arpinum. He makes it a matter for boasting that he had received in the course of his life by legacies nearly £200,000 (twenty-million sesterces), in itself a source of great income, and one common with Romans of high position.[1] Of the extent of his income it is impossible to speak, or even make a guess. But we do know that he lived always as a rich man,—as one who regards such a condition of life as essentially proper to him; and that though he was often in debt, as was customary

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inferior collectors of certain dues, stationed at seaports, who are supposed to have been extremely vexatious in their dealings with the public.

[1] Philipp. 11-16.

with noble Romans, he could always write about his debts in a vein of pleasantry, showing that they were not a heavy burden to him; and we know that he could at all times command for himself villas, books, statues, ornaments, columns, galleries, charming shades and all the delicious appendages of mingled wealth and intelligence. He was as might be some English Marquis who, though up to his eyes in mortgages, is quite sure that he will never want any of the luxuries befitting a Marquis. Though we have no authority to tell us how his condition of life became what it was, it is necessary that we should understand that condition if we are to get a clear insight into his life. Of that condition we have ample evidence. He commenced his career as a youth upon whose behalf nothing was spared, and when he settled himself in Rome with the purport of winning for himself the highest honours of the Republic he did so with the means of living like a nobleman.

But the point on which it is most necessary to insist is this;—that while so many, I may almost say all around him in his own order, were unscrupulous as to their means of getting money, he kept his hands clean. The practice then was much as it is now. A gentleman in our days is supposed to have his hands clean; but there has got abroad among us a feeling that, only let a man rise high enough, soil will not stick to him. To rob is base;—but if you rob enough robbery will become heroism, or at any rate magnificence. With Cæsar his debts have been accounted happy audacity, his pillage of Gaul and Spain,—

and of Rome also,—have indicated only the success of the great General; his cruelty, which in cold-blooded efficiency has equalled if not exceeded the blood-thirstiness of any other tyrant, has been called clemency.[1] I do not mean to draw a parallel between Cæsar and Cicero. No two men could have been more different in their natures or in their career. But the one has been lauded because he was unscrupulous, and the other has incurred reproach because at every turn and twist in his life, scruples dominated him. I do not say that he always did what he thought to be right. A man who doubts much can never do that. The thing that was right to him in the thinking became wrong to him in the doing. That, from which he has shrunk as evil, when it was within his grasp, takes the colour of good when it has been beyond his reach. Cicero had not the stuff in him to rule the Rome and the Romans of his period. But he was a man whose hands were free from all stain, either of blood or money; and for so much let him at any rate have the credit.

Between the return of Cicero to Rome, in 77 B. C. and his election as Quæstor in 75,—in which period he married Terentia, he made various speeches in different causes, of which only one remains to us, or rather a small part of one. This is notable as having been spoken

[1] Let any who doubt this statement refer to the fate of the inhabitants of Alesia and Uxellodunum. Cæsar did not slay or torture for the sake of cruelty, but was never deterred by humanity when expediency seemed to him to require victims. Men and women, old and young, many or few, they were sacrificed without remorse, if his purpose required it.

in behalf of that Roscius, the great comic actor, whose name has become familiar to us on account of his excellence, almost as have those of Garrick, of Siddons, and of Talma. It was a pleading as to the value of a slave, and the amount of pecuniary responsibility attaching to Roscius on account of the slave, who had been murdered when in his charge. As to the murder no question is made. The slave was valuable, and the injury done to his master was a matter of importance. He, having been a slave, could have no stronger a claim for an injury done to himself than would a dog or a horse. The slave whose name was Panurge, —a name which has since been made famous as having been borrowed by Rabelais, probably from this occurrence, and given to his demon of mischief,—showed aptitude for acting and was therefore valuable. Then one Flavius killed him, why or how, we do not know,—and having killed him settled with Roscius for the injury by giving him a small farm. But Roscius had only borrowed or hired the man from one Chærea, — or was in partnership with Chærea as to the man,—and on that account paid something out of the value of the farm for the loss incurred. But the owner was not satisfied and after a lapse of time made a further claim. Hence arose the action, in pleading which Cicero was successful. In the fragment we have of the speech, there is nothing remarkable except the studied clearness of the language; but it reminds us of the opinion which Cicero had expressed of this actor in the oration which he made for Publius Quintius, who was the brother-in-law of Roscius. "He is such an actor,"

says Cicero, "that there is none other on the stage worthy to be seen; and such a man that among men he is the last that should have become an actor."[1] The orator's praise of the actor is not of much importance. Had not Roscius been great in his profession his name would not have come down to later ages. Nor is it now matter of great interest that the actor should have been highly praised as a man by his advocate. But it is something for us to know that the stage was generally held in such low repute as to make it seem to be a pity that a good man should have taken himself to such a calling.

In the year 76 B.C. Cicero became father of a daughter whom we shall know as Tullia, — who as she grew up became the one person whom he loved best in all the world, — and was elected Quæstor. Cicero tells us of himself that in the preceding year he had solicited the Quæstorship, when Cotta was candidate for the Consulship and Hortentius for the Prætorship. There are in the dialogue De Claris Oratoribus,—which has had the name of Brutus always given to it,—some passages in which the orator tells us more of himself than in any other of his works. I will annex a translation of a small portion because of its intrinsic interest, but I will relegate it to an appendix because it is too long either for insertion in the text or for a note.[2]

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[1] Pro Pub. Quintio, ca. xxv.

[2] See Appendix B., Brutus, ca. xcii. xciii.

CHAPTER V.

CICERO AS QUÆSTOR.

CICERO was elected Quæstor in his thirtieth year,—B.C. 76. He was then nearly thirty-one. His predecessors and rivals at the bar, Cotta and Hortensius were elected Consul and Prætor respectively in the same year. To become Quæstor at the earliest age allowed by the law, at thirty-one namely, was the ambition of the Roman advocate who purposed to make his fortune by serving the State. To act as Quæstor in his thirty-second year, Ædile in his thirty-seventh, Prætor in his forty-first, and Consul in his forty-fourth year, was to achieve, in the earliest succession allowed by law, all the great offices of trust, power, and future emolument. The great reward of proconsular rapine did not generally come till after the last step, though there were notable instances in which a Pro-Prætor with proconsular authority could make a large fortune, as we shall learn when we come to deal with Verres, and though Ædiles and even Quæstors could find pickings. It was therefore a great thing for a man to begin as early as the law would permit, and to lose as few years as possible in reaching the summit. Cicero lost none. As he himself tells us in the passage to which I have referred in the last chapter, and which is to be found in the appendix

he gained the good will of men,—that is, of free Romans who had the suffrage, and who could therefore vote either for him or against him,—by the assiduity of his attention to the cases which he undertook, and by a certain brilliance of speech which was new to them.[1] Putting his hand strenuously to the plough, allowing himself to be diverted by none of those luxuries to which Romans of his day were so wont to give way, he carried his purpose by a resolution to do his very best. He was "Novus Homo," a man that is, belonging to a family of which no member had as yet filled high office in the State. Against such there was a strong prejudice with the aristocracy, who did not like to see the good things of the Republic dispersed among an increased number of hands. The power of voting was common to all Roman male citizens; but the power of influencing the electors had passed very much into the hands of the rich. The admiration which Cicero had determined to elicit would not go very far unless it could be produced in a very high degree. A Verres could get himself made Prætor,—a Lepidus some years since could receive the Consulship; or now an Antony or almost a Catiline. The candidate would borrow money, on the security of his own audacity, and would thus succeed,—perhaps with some minor gifts of eloquence, if he could achieve them. With all this, the borrowing and the spending of money, that is, with direct bribery, Cicero would have nothing to do;—but of the art of canvassing, that art by which he could at the moment make himself beloved

[1] Brutus, c. xciii. "Animos hominum ad me dicendi novitate converteram."

by the citizens who had a vote to give, he was a profound master.

There is a short treatise "De petitione Consulatus,"—on canvassing for the Consulship,—of which mention may be made here because all the tricks of the trade were as essential to him when looking to be Quæstor as when he afterwards desired to be Consul, and because the political doings of his life will hurry us on too quickly in the days of his Consulship to admit of our referring to these lessons. This little piece of which we have only a fragment is supposed to have been addressed to Cicero by his brother Quintus, giving fraternal advice as to the then coming great occasion. The critics say that it was retouched by the orator himself. The reader who has studied Cicero's style will think that the retouching went to a great extent, or that the two brothers were very like each other in their power of expression.

The first piece of advice was no doubt always in Cicero's mind, not only when he looked for office, but whenever he addressed a meeting of his fellow citizens. "Bethink yourself what is this Republic; what it is you seek to be in it,—and who you are that seek it. As you go down daily to the Forum turn the answer to this in your mind. 'Novus sum; consulatum peto; Roma est.' 'I am a man of an untried family. It is the Consulship that I seek. It is Rome in which I seek it.'" Though the condition of Rome was bad, still to him the Republic was the greatest thing in the world, and to be Consul in that Republic the highest honour which the world could give.

There is nobility in that; but there is very much that is ignoble in the means of canvassing which are advocated. I cannot say that they are as yet too ignoble for our modern use here in England, but they are too ignoble to be acknowledged by our candidates themselves, or by their brothers on their behalf. Cicero, not having progressed far enough in modern civilisation to have studied the beauty of truth, is held to be false and hypocritical. We, who know so much more than he did and have the doctrine of truth at our fingers' ends, are wise enough to declare nothing of our own shortcomings, but to attribute such malpractices only to others. "It is a good thing to be thought worthy of the rank we seek, by those who are in possession of it." Make yourself out to be an aristocrat, he means. "Canvass them and cotton to them. Make them believe that in matters of politics you have always been with the aristocracy, never with the mob;"—that if "you have at all spoken a word in public to tickle the people, you have done so for the sake of gaining Pompey." As to this it is necessary to understand Pompey's peculiar popularity at the moment, both with the Liberals and with the Conservatives. "Above all see that you have with you the 'jeunesse dorée.' They carry so much! There are many with you already. Take care that they shall know how much you think of them."

He is especially desired to make known to the public the iniquities of Catiline his opponent, as to whom Quintus says that though he has lately been acquitted in regard to his peculations in Africa, he has had to bribe the judges so highly that he is now as poor as they were before they

got their plunder. At every word we read we are tempted to agree with Mommsen that on the Roman oligarchy of the period no judgment can be passed save one, "of inexorable condemnation."[1]

"Remember," says Quintus, "that your candidature is very strong in that kind of friendship which has been created by your pleadings. Take care that each of those friends shall know what special business is allotted to him on the occasion. And, as you have not troubled any of them yet, make them understand that you have reserved for the present moment the payment of their debts." This is all very well, but the next direction mingles so much of business with its truth, that no one but Machiavelli or Quintus Cicero could have expressed it in words. "Men," says Quintus, "are induced to struggle for us in these canvassings, by three motives,—by memory of kindness done, by the hope of kindness to come, and by community of political conviction. You must see how you are to catch each of these. Small favours will induce a man to canvass for you; and they who owe their safety to your pleadings,—for there are many such,—are aware that if they do not stand by you now they will be regarded by all the world as sorry fellows. Nevertheless they should be made to feel that, as they are indebted to you, you will be glad to have an opportunity of becoming indebted to them. But as to those on whom you have a hold only by hope,—a class

[1] It must be remembered that this advice was actually given when Cicero subsequently became a candidate for the consulship, but is mentioned here as showing the manner in which were sought the great offices of state.

of men very much more numerous, and likely to be very much more active,—they are the men whom you should make to understand that your assistance will be always at their command."

How severe, how difficult was the work of canvassing in Rome we learn from these lessons. It was the very essence of a great Roman's life that he should live in public,—and to such an extent was this carried that we wonder how such a man as Cicero found time for the real work of his life. The Roman patron was expected to have a levee every morning early in his own house, and was wont when he went down into the Forum to be attended by a crowd of parasites. This had become so much a matter of course that a public man would have felt himself deserted had he been left alone either at home or abroad. Rome was full of idlers, of men who got their bread by the favours of the great, who lounged through their lives, political quidnuncs who made canvassing a trade, men without a conviction but who believed in the ascendency of this or the other leader, and were ready to fawn, or to fight in the streets as there might be need. These were the Quirites of the day,—men who were in truth fattened on the leavings of the plunder which was extracted from the allies. For it was the case now that a Roman was content to live on the industry of those whom his father had conquered. They would still fight in the legions, but the work of Rome was done by slaves, and the wealth of Rome was robbed from the Provinces. Hence it came about that there was a numerous class, to whom the name "assectatores" was given,

who of course became specially prominent at elections. Quintus divides all such followers into three kinds, and gives instructions as to the special treatment to be applied to each. "There are those who come to pay their respects to you at your own house,"—"Salutatores" they were called, —"then those who go down with you into the Forum,"—"Deductores;"—"and after these the third, the class of constant followers,"—"Assectatores" as they were specially named. "As to the first, who are the least in consequence, and who, according to our present ways of living, come in great numbers, you should take care to let them know that their doing even so much as this is much esteemed by you. Let them perceive that you note it when they come, and say as much to their friends who will repeat your words. Tell themselves often if it be possible. In this way men, when there are many candidates, will observe that there is one who has his eyes open to these courtesies, and they will give themselves heart and soul to him, neglecting all others. And mind you, when you find that a man does but pretend, do not let him perceive that you have perceived it. Should any one wish to excuse himself, thinking that he is suspected of indifference, swear that you have never doubted him nor had occasion to doubt.

"As to the work of the 'deductores,' who go out with you; as it is much more severe than that of those who merely come to pay their compliments, let them understand that you feel it to be so, and as far as possible, be ready to go into town with them at fixed hours." Quintus here means that the "deductores" are not to be kept waiting

for the patron longer than can be helped. "The attendance of a daily crowd in taking you down to the Forum gives a great show of character and dignity.

"Then come the band of followers which accompanies you diligently wherever you go. As to those who do this without special obligation, take care that they should know how much you think of them. From those who owe it to you as a duty, exact it rigorously. See that they who can come themselves, do come themselves, and that they who cannot, send others in their places." What an idea does this give as to the labour of a candidate in Rome! I can imagine it to be worse even than the canvassing of an English borough, which to a man of spirit and honour is the most degrading of all existing employments not held to be absolutely disgraceful.

Quintus then goes on from the special management of friends to the general work of canvassing. "It requires the remembering of men's names" — "nomenclationem," a happy word we do not possess,—"flattery, diligence, sweetness of temper, good report, and a high standing in the Republic. Let it be seen that you have been at the trouble to remember people, and practise yourself to it so that the power may increase with you. There is nothing so alluring to the citizen as that. If there be a softness which you have not by nature, so affect it that it shall seem to be your own naturally. You have indeed a way with you which is not unbecoming to a good-natured man; but you must caress men,—which is in truth vile and sordid at other times but is absolutely necessary at elections. It is no

doubt a mean thing to flatter some low fellow, but when it is necessary to make a friend it can be pardoned. A candidate must do it, whose face and look and tongue should be made to suit those he has to meet. What perseverance means I need not tell you. The word itself explains itself. As a matter of course you should not leave the city; but it is not enough for you to stick to your work in Rome and in the Forum. You must seek out the voters and canvass them separately; and take care that no one shall ask from another what it is that you want from him. Let it have been solicited by yourself, and often solicited." Quintus seems to have understood the business well, and the elder brother no doubt profited by the younger brother's care.

It was so they did it at Rome. That men should have gone through all this in search of plunder and wealth does not strike us as being marvellous, or even out of place. A vile object justifies vile means. But there were some at Rome who had it at their hearts really to serve their country, and with whom it was at the same time a matter of conscience that in serving their country they would not dishonestly or dishonourably enrich themselves. There was still a grain of salt left. But even this could not make itself available for useful purpose without having recourse to tricks such as these!

In his proper year Cicero became Quæstor, and had assigned to him by lot the duty of looking after the Western Division of Sicily. For Sicily, though but one province as regarded general condition, being under one

B.C. 75, ætat 32.

governor with proconsular authority, retained separate modes of government, or rather varied forms of subjection to Rome, especially in matters of taxation, according as it had or had not been conquered from the Carthaginians.[1] Cicero was quartered at Lilybæum on the west, whereas the other Quæstor was placed at Syracuse in the east. There were at that time twenty Quæstors elected annually, some of whom remained in Rome, but most of the number were stationed about the empire, there being always one as assistant to each Proconsul. When a Consul took the field with an army he always had a Quæstor with him. This had become the case so generally that the Quæstor became as it were something between a private secretary and a senior lieutenant to a governor. The arrangement came to have a certain sanctity attached to it, as though there was something in the connection warmer and closer than that of mere official life, so that a Quæstor has been called a Proconsul's son for the time, and was supposed to feel that reverence and attachment that a son entertains for his father.

But to Cicero, and to young Quæstors in general, the great attraction of the office consisted in the fact that the aspirant having once become a Quæstor was a Senator for the rest of his life, unless he should be degraded by

[1] Cicero speaks of Sicily as divided into two provinces, "Quæstores utriusque provinciæ." There was however but one Prætor or Proconsul. But the island had been taken by the Romans at two different times. Lilybæum and the west was obtained from the Carthaginians at the end of the first Punic war, whereas Syracuse was conquered by Marcellus and occupied during the second Punic war.

misconduct. Gradually it had come to pass that the Senate was replenished by the votes of the people, not directly, but by the admission into the Senate of the popularly elected magistrates. There were in the time of Cicero between 500 and 600 members of this body. The numbers down to the time of Sulla had been increased or made up, by direct selection by the old Kings, or by the Censors, or by some Dictator, such as was Sulla; and the same thing was done afterwards by Julius Cæsar. The years between Sulla's dictatorship and that of Cæsar were but thirty,—from 79 to 49 B.C. These however were the years in which Cicero dreamed that the Republic could be re-established by means of an honest Senate, which Senate was then to be kept alive by the constant infusion of new blood, accruing to it from the entrance of magistrates who had been chosen by the people. Tacitus tells us that it was with this object that Sulla had increased the number of Quæstors.[1] Cicero's hopes, his futile hopes of what an honest Senate might be made to do, still ran high, although at the very time in which he was elected Quæstor he was aware that the judges, then elected from the Senate, were so corrupt that their judgment could not be trusted. Of this popular mode of filling the Senate he speaks afterwards in his treatise, "De Legibus." "From those who have acted as magistrates the Senate is composed—a measure altogether in the popular interest, as no one can now reach the highest rank"—namely, the Senate—"except by the votes of the people,

[1] Tacitus Ann. lib. xi. ca. xxii. "Post, lege Sullæ, viginti creati supplendo senatui, cui judicia tradiderat."

all power of selecting having been taken away from the Censors.[1] In his pleadings for P. Sextus he makes the same boast as to old times, not with absolute accuracy, as far as we can understand the old constitution, but with the same passionate ardour as to the body. "Romans, when they could no longer endure the rule of kings, created annual magistrates but after such fashion that the Council of the Senate was set over the Republic for its guidance. Senators were chosen for that work by the entire people, and the entrance to that order was opened to the virtue and to the industry of the citizens at large."[2] When defending Cluentius he expatiates on the glorious privileges of the Roman Senate. "Its high place, its authority, its splendour at home, its name and fame abroad, the purple robe, the ivory chair, the appanage of office, the fasces, the army with its command, the government of the provinces!"[3] On that splendour "apud exteras gentes," he expatiates in one of his attacks upon Verres.[4] From all this will be seen Cicero's idea of the chamber into which he had made his way as soon as he had been chosen Quæstor.

In this matter, which was the pivot on which his whole life turned,—the character namely of the Roman Senate,—it cannot but be observed that he was wont to blow both hot and cold. It was his nature to do so, not from any aptitude for deceit, but because he was sanguine and vacillating,

[1] De Legibus, iii. xii. [2] Pro P. Sexto, lxv. [3] Pro Cluentio, lvi.

[4] Contra Verrem, ii. lib. ca. xi. "Ecquæ civitas est, non modo in provinciis nostris, verum etiam in ultimis nationibus, aut tam potens, aut tam libera, aut etiam tam immanis ac barbara; rex denique ecquis est, qui senatorem populi Romani tecto ac domo non invitet?"

because he now aspired and now despaired. He blew hot and cold in regard to the Senate, because at times he would feel it to be what it was,—composed for the most part of men who were time-serving and corrupt, willing to sell themselves for a price to any buyer; and then again at times he would think of the Senate as endowed with all those privileges which he names, and would dream that under his influence it would become what it should be,—such a Senate as he believed it to have been in its old palmy days. His praise of the Senate, his description of what it should be and might be, I have given. To the other side of the picture we shall come soon when I shall have to show how, at the trial of Verres, he declared before the judges themselves how terrible had been the corruption of the judgment-seat in Rome since by Sulla's enactment it had been occupied only by the Senators. One passage I will give now in order that the reader may see by the juxtaposition of the words that he could denounce the Senate as loudly as he would vaunt its privileges. In the column on the left hand in the note I quote the words with which in the first pleading against Verres he declared "that every base and iniquitous thing done on the judgment-seat during the ten years since the power of judging had been transferred to the Senate, should be not only denounced by him but also proved," and in that on the right I will repeat the noble phrases which he afterwards used in the speech for Cluentius when he chose to speak well of the order.[1]

[1] Contra Verrem, Act i. Ca. xiii. "Omnia non modo commemorabun- | Pro Cluentio lvi. "Locus, auctoritas, domi splendor, apud exteras

It was on the Senate that they who wished well for Rome, must depend,—on the Senate, chosen, refreshed and replenished from among the people; on a body which should be at the same time august and popular, as far removed on the one side from the tyranny of individuals as on the other from the violence of the mob; but on a Senate freed from its corruption and dirt, on a body of noble Romans fitted by their individual character and high rank to rule and to control their fellow citizens. This was Cicero's idea, and this the state of things which he endeavoured to achieve. No doubt he dreamed that his own eloquence and his own example might do more in producing this than is given to men to achieve by such means. No doubt there was conceit in this, conceit and perhaps vanity. It has to be admitted that Cicero always exaggerated his own powers. But the ambition was great, the purpose noble, and the course of his whole life was such as to bring no disgrace on his aspirations. He did not thunder against the judges for taking bribes, and then plunder a Province himself. He did not speak grandly of the duty of a patron to his clients, and then open his hands to illicit payments. He did not call upon the Senate for high duty, and then devote himself to luxury and pleasure. He had a beau ideal of the manner in which a Roman Senator should live and work; and he endeavoured to work and live up to that ideal.

tur, sed etiam, expositis certis rebus, agentur, quæ inter decem annos, posteaquam judicia ad senatum translata sunt, in rebus, judicandis nefarie flagitioseque facta sunt."

nationes nomen et gratia, toga prætexta, cella curulis, insignia, fasces, exercitus, imperia, provincia."

There was no period after his consulship in which he was not aware of his own failure. Nevertheless, with constant labour but with intermittent struggles, he went on, till, at the end, in the last fiery year of his existence, he taught himself again to think that even yet there was a chance. How he struggled and in struggling perished we shall see by and by.

What Cicero did as Quæstor in Sicily we have no means of knowing. His correspondence does not go back so far. That he was very active and active for good we have two testimonies,—one of which is serious, convincing, and most important as an episode in his life. The other consists simply of a good story, told by himself of himself, not intended at all for his own glorification, but still carrying with it a certain weight. As to the first;—Cicero was Quæstor in Lilybæum in the thirty-second year of his life. In the thirty-seventh year he was elected Ædile, and was then called upon by the Sicilians to attack Verres on their behalf. Verres was said to have carried off from Sicily plunder to the amount of nearly £400,000,[1] after a misrule of three years duration. All Sicily was ruined. Beyond its pecuniary losses its sufferings had been excruciating; but not till the end had come of a Governor's proconsular authority could the almost hopeless chance of a criminal accusation against the tyrant be attempted. The tyrant would certainly have many friends

[1] Contra Verrem, Act i. xviii. "Quadringenties sestertium ex Sicilia contra leges abstulisse." In Smith's Dictionary of Grecian and Roman Antiquities, we are told that a thousand sesterces is equal in our money to 8*l.* 17*s.* 1*d.* Of the estimated amount of this plunder we shall have to speak again.

in Rome. The injured Provincials would probably have none of great mark. A man because he had been Quæstor was not necessarily one having influence, unless he belonged to some great family. This was not the case with Cicero. But he had made for himself such a character during his year of office that the Sicilians declared that if they could trust themselves to any man at Rome it would be to their former Quæstor. It had been a part of his duty to see that the proper supply of corn was collected in the island and sent to Rome. A great portion of the bread eaten in Rome was grown in Sicily, and much of it was supplied in the shape of a tax. It was the hateful practice of Rome to extract the means of living from her Colonies so as to spare her own labourers. To this, hard as it was, the Sicilians were well used. They knew the amount required of them by law, and were glad enough when they could be quit in payment of the dues which the law required. But they were seldom blessed by such moderation on the part of their rulers. To what extent this special tax could be stretched we shall see when we come to the details of the trial of Verres. It is no doubt only from Cicero's own words that we learn that though he sent to Rome plenteous supplies he was just to the dealer, liberal to the towns, and forbearing to the allies generally; and that when he took his departure they paid him honours hitherto unheard of.[1] But I think we may take it for granted that this statement is true; firstly, because it has never been contradicted; and then from the fact

[1] Pro Plancio, xxvi.

that the Sicilians all came to him in the day of their distress.

As to the little story to which I have alluded, it has been told so often since Cicero told it himself, that I am almost ashamed to repeat it. It is, however, too emblematic of the man, gives us too close an insight both into his determination to do his duty and to his pride—conceit if you will—at having done it, to be omitted. In his speech for Plancius[1] he tells us that by chance coming direct from Sicily after his Quæstorship he found himself at Puteoli just at the season when the fashion from Rome betook itself to that delightful resort. He was full of what he had done,—how he had supplied Rome with corn, but had done so without injury to the Sicilians, how honestly he had dealt with the merchants, and had in truth won golden opinions on all sides,—so much so that he thought that when he reached the city the citizens in a mob would be ready to receive him. Then at Puteoli he met two acquaintances. "Ah," says one to him, "when did you leave Rome? What news have you brought?" Cicero drawing his head up, as we can see him, replied that he had just returned from his Province. "Of course, just back from Africa," said the other. "Not so," said Cicero, bridling in anger,—"stomachans fastidiose" as he describes it himself,—"but from Sicily." Then the other lounger, a fellow who pretended to know everything, put in his word. "Do you not know that our Cicero has been Quæstor at Syracuse?" The reader will remember that he had been Quæstor in the

[1] Pro Plancio, xxvi.

other division of the island, at Lilybæum. "There was no use in thinking any more about it," says Cicero. "I gave up being angry and determined to be like any one else, just one at the waters." Yes; he had been very conceited, and well understood his own fault of character in that respect; but he would not have shown his conceit in that matter had he not resolved to do his duty,—in a manner uncommon then among Quæstors,—and been conscious that he had done it.

Perhaps there is no more certain way of judging a man than from his own words, if his real words be in our possession. In doing so we are bound to remember how strong will be the bias of every man's mind in his own favour, and for that reason a judicious reader will discount a man's praise of himself. But the reader, to get at the truth,—if he be indeed judicious,—will discount them after a fashion conformable with the nature of the man whose character he is investigating. A reader will not be judicious who imagines that what a man says of his own praises must be false, or that all which can be drawn from his own words in his own dispraise must be true. If a man praise himself for honour, probity, industry, and patriotism, he will at any rate show that these virtues are dear to him,—unless the course of his life has proved him to be altogether a hypocrite in such utterances. It has not been presumed that Cicero was a hypocrite in these utterances. He was honest, and industrious; he did appreciate honour and love his country. So much is acknowledged;—and yet it is supposed that what good he has told us of himself is false. If a man doubt of himself constantly, if in his most private intercourse and closest

familiar utterances he admit occasionally his own human weakness; if he find himself to have failed at certain moments and says so; the very feelings that have produced such confessions are proof that the highest points which have not been attained have been seen and valued. A man will not sorrowfully regret that he has won only a second place,—or a third,—unless he be alive to the glory of the first. But Cicero's acknowledgments have all been taken as proof against himself. All manner of evil is argued against him from his own words, when an ill meaning can be attached to them; but when he speaks of his great aspirations he is ridiculed for bombast and vanity. On the strength of some, perhaps unconsidered, expression in a letter to Atticus, he is condemned for treachery, whereas the sentence in which he has thoughtfully declared the purposes of his very soul are counted as claptraps.

No one has been so frequently condemned out of his own mouth as Cicero,—and naturally. In these modern days we have contemporary records as to prominent persons. Of the characters of those who lived in long past ages we generally fail to have any clear idea because we lack those close chronicles which are necessary for the purpose. What insight have we into the personality of Alexander the Great, or what insight had Plutarch who wrote about him? As to Samuel Johnson, we seem to know every turn of his mind,—having had a Boswell. Alexander had no Boswell. But here is a man, belonging to those past ages of which I speak, who was his own Boswell, and after such a fashion, that, since letters were invented, no records have ever been

written in language more clear or more attractive. It is natural that we should judge out of his own mouth one who left so many more words behind him than did any one else,—particularly one who left words so pleasant to read. And all that he wrote was after some fashion about himself. His letters like all letters are personal to himself. His speeches are words coming out of his own mouth about affairs in which he was personally engaged and interested. His rhetoric consists of lessons given by himself about his own art, founded on his own experience and on his own observation of others. His so-called philosophy gives us the workings of his own mind. No one has ever told the world so much about another person as Cicero has told the world about Cicero. Boswell pales before him as a chronicler of minutiæ. It may be a matter of small interest now to the bulk of readers to be intimately acquainted with a Roman, who was never one of the world's conquerors. It may be well for those who desire to know simply the facts of the world's history to dismiss as unnecessary the aspirations of one who lived so long ago. But if it be worth while to discuss the man's character, it must be worth while to learn the truth about it.

"Oh, that mine adversary had written a book!" Who does not understand the truth of these words? It is always out of a man's mouth that you may most surely condemn him. Cicero wrote many books, and all about himself. He has been lauded very highly. Middleton in the preface to his own biography, which with all its charms has become a bye-word for eulogy, quotes the opinion of Erasmus, who tells us

that he loves the writings of the man "not only for the divine felicity of his style, but for the sanctity of his heart and morals." This was the effect left on the mind of an accurate thinker and most just man. But then also has Cicero been spoken of with the bitterest scorn. From Dio Cassius, who wrote two hundred and twenty years after Christ, down to Mr. Froude whose Cæsar has just been published, he has had such hard things said of him by men who have judged him out of his own mouth that the reader does not know how to reconcile what he now reads with the opinion of men of letters who lived and wrote in the century next after his death, with the testimony of such a man as Erasmus, and with the hearty praises of his biographer, Middleton. The sanctity of his heart and morals! It was thus that Erasmus was struck in reading his works. It is a feeling of that kind I profess, that has induced me to take this work in hand,—a feeling produced altogether by the study of his own words. It has seemed to me that he has loved men so well, has been so anxious for virtue, has been so capable of honesty when dishonesty was common among all around him, has been so jealous in the cause of good government, has been so hopeful when there has been but little ground for hope, as to have deserved a reputation for sanctity of heart and morals.'

Of the speeches made by Cicero as advocate, after his Quæstorship, and before those made in the accusation of Verres we have the fragment only of the second of two spoken in defence of Marcus Tullius Decula, whom we may suppose to have been distantly connected with his family. He does

not avow any relationship. "What," he says in opening his argument, "does it become me, a Tullius, to do for this other Tullius, a man not only my friend but my namesake?" It was a matter of no great importance, as it was addressed to judges, not so called, but to "recuperatores," judges chosen by the Prætor and who acted in lighter cases.

CHAPTER VI.

VERRES.

THERE are six episodes,—or, as I may say, divisions,—in the life of Cicero to which special interest attaches itself. The first is the accusation against Verres, in which he drove the miscreant howling out of the city. The second is his consulship, in which he drove Catiline out of the city, and caused certain other conspirators who were joined with the arch rebel to be killed—either legally or illegally. The third was his exile, in which he himself was driven out of Rome. The fourth was a driving out too, though of a more honourable kind, when he was compelled, much against his will, to undertake the government of a province. The fifth was Cæsar's passing of the Rubicon, the battle of Pharsalia and his subsequent adherence to Cæsar. The last was his internecine combat with Antony, which produced the Philippics and that memorable series of letters in which he strove to stir into flames the expiring embers of the Republic. The literary work with which we are acquainted is spread,—but spread very unequally,—over his whole life. I have already told the story of Sextus Roscius Amerinus, having taken it from his own words. From that time onwards he wrote continually,—but the fervid

stream of his eloquence came forth from him with unrivalled rapidity in the twenty last miserable months of his life.

We have now come to the first of those episodes, and I have to tell the way in which Cicero struggled with Verres, and how he conquered him. In 74 B.C. Verres was Prætor in Rome. At that period of the Republic there were eight Prætors elected annually, two of whom remained in the city, whereas the others were employed abroad, generally with the armies of the Empire. In the next year, 73 B.C., Verres went in due course to Sicily with proconsular, or pro-prætorial, authority, having the government assigned to him for twelve months. This was usual and constitutional, but it was not unusual, even if unconstitutional, that this period should be prolonged. In the case of Verres it was prolonged, so that he should hold the office for three years. He had gone through the other offices of the state, having been Quæstor in Asia and Ædile afterwards in Rome,—to the great misfortune of all who were subjected to his handling, as we shall learn by and by. The facts are mentioned here to show that the great offices of the Republic were open to such a man as Verres. They were in fact more open to such a candidate than they would be to one less iniquitous,—to an honest man or a scrupulous one, or to one partially honest or not altogether unscrupulous. If you send a dog into a wood to get truffles you will endeavour to find one that will tear up as many truffles as possible. A proconsular robber did not rob only for himself. He robbed more or less for all Rome. Verres

boasted that with his three years of rule he could bring enough home to bribe all the judges, secure all the best advocates, and live in splendid opulence for the rest of his life. What a dog he was to send into a wood for truffles!

To such a condition as this had Rome fallen when the deputies from Sicily came to complain of their late governor and to obtain the services of Cicero in seeking for whatever reparation might be possible. Verres had carried on his plunder during the years 73, 72, 71 B.C. During this time Cicero had been engaged sedulously as an advocate in Rome. We know the names of some of the cases in which he was engaged,—those, for instance, for Publius Oppius, who, having been Quæstor in Bithynia, was accused by his Proconsul of having endeavoured to rob the soldiers of their dues. We are told that the poor province suffered greatly under these two officers, who were always quarrelling as to a division of their plunder. In this case the senior officer accused the younger, and the younger, by Cicero's aid, was acquitted. Quintilian more than once refers to the speech made for Oppius. Cicero also defended Varenus, who was charged with having murdered his brother, and one Caius Mustius, of whom we only know that he was a farmer of taxes. He was advocate also for Sthenius, a Sicilian, who was accused before the Tribunes by Verres. We shall hear of Sthenius again among the victims in Sicily. The special charge in this case was that, having been condemned by Verres as Prætor in Sicily, he had run away to Rome,—which was illegal. He was, however, acquitted. Of these speeches, we have only some short

fragments which have been quoted by authors whose works have come down to us,—such as Quintilian; by which we know at any rate that Cicero's writings had been so far carefully preserved, and that they were commonly read in those days. I will translate here the concluding words of a short paper written by M. du Rozoir in reference to Cicero's life at this period;—"the assiduity of our orator at the bar had obtained for him a high degree of favour among the people, because they had seen how strictly he had observed that Cincian law which forbade advocates to take either money or presents for their pleadings,—which law, however, the advocates of the day generally did not scruple to neglect."[1] It is a good thing to be honest when honesty is in vogue; but to be honest when honesty is out of fashion is magnificent.

In the affair with Verres there are two matters to interest the reader,—indeed to instruct the reader, if the story were sufficiently well told. The iniquity of Verres is the first, which is of so extravagant a nature as to become farcical by the absurdity of the extent to which he was not afraid to go in the furtherance of his avarice and lust. As the victims suffered two thousand years ago, we can allow ourselves to be amused by the inexhaustible fertility of the man's resources and the singular iniquity of his schemes. Then we are brought face to face with the bare-faced corruption of the Roman judges,—a corrup-

[1] M. du Rozoir was a French critic, and was joined with M. Guéroult and M. de Guerle in translating and annotating the Orations of Cicero for M. Pauckoucke's edition of the Latin classics.

tion which, however, became a regular trade, if not ennobled, made at any rate aristocratic, by the birth, wealth, high names, and senatorial rank of the robbers. Sulla for certain state purposes,—which consisted in the maintenance of the oligarchy,—had transferred the privileges of sitting on the judgment seat from the Equites, or knights, to the Senators. From among the latter a considerable number,—thirty perhaps, or forty, or even fifty,—were appointed to sit with the Prætor to hear criminal cases of importance, and by their votes, which were recorded on tablets, the accused person was acquitted or condemned. To be acquitted by the most profuse corruption entailed no disgrace on him who was tried, and often but little on the judges who tried him. In Cicero's time the practice with all its chances had come to be well understood. The provincial governors with their Quæstors and lieutenants were chosen from the high aristocracy, which also supplied the judges. The judges themselves had been employed or hoped to be employed in similar lucrative service. The leading advocates belonged to the same class. If the proconsular thief, when he had made his bag, would divide the spoil with some semblance of equity among his brethren, nothing could be more convenient. The provinces were so large, and the Greek spirit of commercial enterprise which prevailed in them so lively, that there was room for plunder ample at any rate for a generation or two. The Republic boasted that in its love of pure justice it had provided by certain laws for the protection of its allied subjects against any possible faults of administration

on the part of its own officers. If any injury were done to a province, or a city, or even to an individual, the province or city or individual could bring its grievance to the ivory chair of the Prætor in Rome and demand redress. And there had been cases, not a few, in which a delinquent officer had been condemned to banishment. Much indeed was necessary before the scheme as it was found to exist by Verres could work itself into perfection. Verres felt that in his time everything had been done for security as well as splendour. He would have all the great officers of state on his side. The Sicilians, if he could manage the case as he thought it might be managed, would not have a leg to stand upon. There was many a trick within his power before they could succeed in making good even their standing before the Prætor. It was in this condition of things that Cicero bethought himself that he might at one blow break through the corruption of the judgment seat; and this he determined to do by subjecting the judges to the light of public opinion. If Verres could be tried under a bushel as it were, in the dark, as many others had been tried, so that little or nothing should be said about the trial in the city at large, then there would be no danger for the judges. It could only be by shaming them,—by making them understand that Rome would become too hot to hold them,—that they could be brought to give a verdict against the accused. This it was that Cicero determined to effect,—and did effect. And we see throughout the whole pleadings that he was concerned in the matter not only for the Sicilians, or against Verres.

Could something be done,—for the sake of Rome, for the sake of the Republic,—to redeem the courts of justice from the obloquy which was attached to them? Might it be possible for a man so to address himself not only to the judgment seat, but to all Rome, as to do away with this iniquity once and for ever? Could he so fill the minds of the citizens generally with horror at such proceedings as to make them earnest in demanding reform? Hortensius, the great advocate of the day, was not only engaged on behalf of Verres, but he was already chosen as Consul for the next year. Metellus, who was elected Prætor for the next year, was hot in defence of Verres. Indeed, there were three Metellus's among the friends of the accused, who had also on his side the Scipio of the day. The aristocracy of Rome was altogether on the side of Verres, —as was natural. But if Cicero might succeed at all in this which he meditated, the very greatness of his opponents would help him. When it was known that he was to be pitted against Hortensius as an advocate, and that he intended to defy Hortensius as the coming Consul,—then surely Rome would be awake to the occasion, and if Rome could be made to awake herself, then would this beautiful scheme of wealth from provincial plunder be brought to an end.

I will first speak of the work of the judges, and of the attempts made to hinder Cicero in the business he had undertaken. Then I will endeavour to tell something of the story of Verres and his doings. The subject divides itself naturally in this way. There are extant seven

so-called Orations about Verres, of which the two first apply to the manner in which the case should be brought before the courts. These two were really spoken, and were so effective that Verres,—or probably Hortensius on his behalf,—was frightened into silence. Verres pleaded guilty, as we should say, which, in accordance with the usages of the court, he was enabled to do by retiring, and going into voluntary banishment. This he did, sooner than stand his ground and listen to the narration of his iniquities as it would be given by Cicero in the full speech,—the "perpetua oratio"—which would follow the examination of the witnesses. What the orator said before the examination of the witnesses was very short. He had to husband his time, as it was a part of the grand scheme of Hortensius to get adjournment after adjournment because of certain sacred rites and games during the celebration of which the courts could not sit. All this was arranged for in the scheme; but Cicero, in order that he might baffle the schemers, got through his preliminary work as quickly as possible, saying all that he had to say about the manner of the trial, about the judges, about the scheme, but dilating very little on the iniquities of the criminal. But having thus succeeded, having gained his cause in a great measure by the unexpected quickness of his operations, then he told his story. Then was made that "perpetua oratio" by which we have learned the extent to which a Roman governor could go on desolating a people who were entrusted to his protection. This full narration is divided into five parts, each devoted to a separate class of iniquity. These were never spoken, though they appear in

the form of speeches. They would have been spoken, if required, in answer to the defence made by Hortensius on behalf of Verres after the hearing of the evidence. But the defence broke down altogether, in the fashion thus described by Cicero himself. "In that one hour in which I spoke"—this was the speech which we designate as the "Actio prima contra Verrem," the first pleading made against Verres, to which we shall come just now,—"I took away all hope of bribing the judges from the accused,—from this brazen-faced, rich, dissolute, and abandoned man. On the first day of the trial, on the mere calling of the names of the witnesses, the people of Rome were able to perceive that, if this criminal were absolved, then there could be no chance for the Republic. On the second day his friends and advocates had not only lost all hope of gaining their cause, but all relish for going on with it. The third day so paralysed the man himself that he had to bethink himself not what sort of reply he could make, but how he could escape the necessity of replying by pretending to be ill."[1] It was in this way that the trial was brought to an end.

But we must go back to the beginning. When an accusation was to be made against some great Roman of the day on account of illegal public misdoings,—as was to be made now against Verres,—the conduct of the case, which would require probably great labour and expense, and would give scope for the display of oratorical excellence, was regarded as a task in which a young aspirant to public favour might obtain honour, and by which he might make himself

[1] In Verrem Actio Secunda, lib. i. vii.

known to the people. It had therefore come to pass that there might be two or more accusers anxious to undertake the work, and to show themselves off as solicitous on behalf of injured innocence, or desirous of labouring in the service of the Republic. When this was the case, a court of judges was called upon to decide whether this man or that other was most fit to perform the work in hand. Such a trial was called "Divinatio," because the judges had to get their lights in the matter as best they could, without the assistance of witnesses,—by some process of divination; with the aid of the gods as it might be. Cicero's first speech in the matter of Verres is called "In Quintum Cæcilium Divinatio," because one Cæcilius came forward to take the case away from him. Here was a part of the scheme laid by Hortensius. To deal with Cicero in such a matter would no doubt be awkward. His purpose, his diligence, his skill, his eloquence, his honesty, were known. There must be a trial. So much was acknowledged; but if the conduct of it could be relegated to a man who was dishonest, or who had no skill, no fitness, no special desire for success, then the little scheme could be carried through in that way. So Cæcilius was put forward as Cicero's competitor, and our first speech is that made by Cicero to prove his own superiority to that of his rival.

Whether Cæcilius was or was not hired to break down in his assumed duty as accuser, we do not know. The biographers have agreed to say that such was the case,[1] grounding

[1] Plutarch says that Cæcilius was an emancipated slave and a Jew, which could not have been true as he was a Roman senator.

their assertion, no doubt, on extreme probability. But I doubt whether there is any evidence as to this. Cicero himself brings this accusation, but not in that direct manner which he would have used had he been able to prove it. The Sicilians, at any rate, said that it was so. As to the incompetency of the man, there was probably no doubt,—and it might be quite as serviceable to have an incompetent as a dishonest accuser. Cæcilius himself had declared that no one could be so fit as himself for the work. He knew Sicily well, having been born there. He had been Quæstor there with Verres, and had been able to watch the governor's doings. No doubt there was,—or had been in more pious days,—a feeling that a Quæstor should never turn against the Proconsul under whom he had served, and to whom he had held the position almost of a son.[1] But there was less of that feeling now than heretofore. Verres had quarrelled with his Quæstor. Oppius was called on to defend himself against the Proconsul with whom he had served. No one could know the doings of the governor of a province as well as his own Quæstor; and therefore, so said Cæcilius, he would be the preferable accuser. As to his hatred of the man, there could be no doubt as to that. Everybody knew that they had quarrelled. The purpose, no doubt, was to give some colourable excuse to the judges for rescuing Verres, the great paymaster, from the fangs of Cicero.

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[1] De Oratore, lib. ii. c. xlix. The feeling is beautifully expressed in the words put into the mouth of Antony in the discussion on the charms and attributes of eloquence. "Qui mihi in liberum loco more majorum esse deberet."

Cicero's speech on the occasion,—which, as speeches went in those days, was very short,—is a model of sagacity and courage. He had to plead his own fitness, the unfitness of his adversary, and the wishes in the matter of the Sicilians. This had to be done with no halting phrases. It was not simply his object to convince a body of honest men that, with the view of getting at the truth, he would be the better advocate of the two. We may imagine that there was not a judge there, not a Roman present, who was not well aware of that before the orator began. It was needed that the absurdity of the comparison between them should be declared so loudly that the judges would not dare to betray the Sicilians and to liberate the accused, by choosing the incompetent man. When Cicero rose to speak, there was probably not one of them of his own party, not a Consul, a Prætor, an Ædile, or a Quæstor, not a judge, not a Senator, not a hanger-on about the courts, but was anxious that Verres with his plunder should escape. Their hope of living upon the wealth of the provinces hung upon it. But if he could speak winged words, words that should fly all over Rome,—that might fly also among subject nations,—then would the judges not dare to carry out this portion of the scheme.

"When," he says, "I had served as Quæstor in Sicily, and had left the province after such a fashion that all the Sicilians had a grateful memory of my authority there, though they had older friends on whom they relied much, they felt that I might be a bulwark to them in their need. These Sicilians, harassed and robbed, have now come to me, in public bodies,

and have implored me to undertake their defence. 'The time has come,' they say, 'not that I should look after the interest of this or that man, but that I should protect the very life and well-being of the whole province.' I am inclined by my sense of duty, by the faith which I owe them, by my pity for them, by the example of all good Romans before me, by the custom of the Republic, by the old constitution, to undertake this task, not as pertaining to my own interests, but to those of my close friends."[1] That was his own reason for undertaking the case. Then he reminds the judges of what the Roman people wished,—the people who had felt with dismay the injury inflicted upon them by Sulla's withdrawal of all power from the Tribunes and by the putting the whole authority of the bench into the hands of the Senators. "The Roman people, much as they have been made to suffer, regret nothing of that they have lost so much as the strength and majesty of the old judges. It is with the desire of having them back that they demand for the Tribunes their former power. It is this misconduct of the present judges that has caused them to ask for another class of men for the judgment-seat. By the fault and to the shame of the judges of to-day, the Censor's authority, which has hitherto always been regarded as odious and stern, even that is now requested by the people."[2] Then he goes on to show that, if justice is intended, this case will be put into the hands of him whom the Sicilians have themselves chosen. Had the Sicilians said that they were unwilling to trust their affairs to Cæcilius because they had not known him,—but were willing to trust

[1] In. Q. Cæc. Divinatio, ca. ii.

[2] Ibid, ca. iii.

him, Cicero, whom they did know,—would not even that have been reasonable enough of itself? But the Sicilians had known both of them, had known Cæcilius almost as well as Cicero, and had expressed themselves clearly. Much as they desired to have Cicero, they were as anxious not to have Cæcilius. Even had they held their tongues about this, everybody would have known it; but they had been far from holding their tongues. "Yet you offer yourself to these most unwilling clients," he says, turning to Cæcilius. "Yet you are ready to plead in a cause that does not belong to you! Yet you would defend those who would rather have no defender than such a one as you."[1] Then he attacks Hortensius, the advocate for Verres. "Let him not think that, if I am to be employed here, the judges can be bribed without infinite danger to all concerned. In undertaking this cause of the Sicilians, I undertake also the cause of the people of Rome at large. It is not only that one wretched sinner should be crushed which is what the Sicilians want, but that this terrible injustice should be stopped altogether in compliance with the wishes of the people."[2] When we remember how this was spoken, in the presence of these very judges, in the presence of Hortensius himself, in reliance only on the public opinion which he was to create by his own words, we cannot but acknowledge that it is very fine.

After that he again turns upon Cæcilius. "Learn from me," he says, "how many things are expected from him who undertakes the accusation of another. If there be one of

[1] Divinatio, ca. vi. [2] Ibid. ca. viii..

those qualities in you, I will give up to you all that you ask."[1] Cæcilius was probably even now in alliance with Verres. He himself, when Quæstor, had robbed the people in the collection of the corn dues and was unable therefore to include that matter in his accusation. "You can bring no charge against him on this head, lest it be seen that you were a partner with him in the business."[2] He ridicules him as to his personal insufficiency. "What, Cæcilius, as to those practices of the profession without which an action such as this cannot be carried on,—do you think that there is nothing in them? Need there be no skill in the business, no habit of speaking; no familiarity with the Forum, with the judgment seats, and the laws?"[3] "I know well how difficult the ground is. Let me advise you to look into it yourself, and to see whether you are able to do that kind of thing. Have you got voice for it, prudence, memory, wit? Are you able to expose the life of Verres, as it must be done, to divide it into parts and make everything clear? In doing all this, though nature should have assisted you"—as it has not at all is, of course, implied—"if from your earliest childhood you had been imbued with letters; if you had learned Greek at Athens instead of at Lilybæum,—Latin in Rome instead of in Sicily, still would it not be a task beyond your strength to undertake such a case, so widely thought of, to complete it by your industry, and then to grasp it in your memory; to make it plain by your eloquence, and to support it with voice and strength sufficient?" "Have I these gifts,

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[1] Divinatio, ca. ix. [2] Ibid. ca. xi.
[3] Ibid.

you will ask. Would that I had! But from my childhood I have done all that I could to attain them."[1]

Cicero makes his points so well that I would fain go through the whole speech, were it not that a similar reason might induce me to give abridgments of all his speeches. It may not be that the readers of these Orations will always sympathise with the orator in the matter which he has in hand,—though his power over words is so great as to carry the reader with him very generally even at this distance of time; but the neatness with which the weapon is used, the effectiveness of the thrust for the purpose intended, the certainty with which the nail is hit on the head,—never with an expenditure of unnecessary force but always with the exact strength wanted for the purpose,—these are the characteristics of Cicero's speeches which carry the reader on with a delight which he will want to share with others, as a man when he has heard a good story instantly wishes to tell it again. And with Cicero we are charmed by the modernness, by the tone of to-day, which his language takes. The rapid way in which he runs from scorn to pity, from pity to anger, from anger to public zeal, and then instantly to irony and ridicule, implies a lightness of touch which, not unreasonably, surprises us as having endured for so many hundred years. That poetry should remain to us,—even lines so vapid as some of those in which Ovid sang of love,—seems to be more natural because verses, though they be light, must have been laboured. But these words, spoken by Cicero, seem almost to ring in our ears as having come to us direct from a man's lips. We

[1] Divinatio, ca. xii.

see the anger gathering on the brow of Hortensius, followed by a look of acknowledged defeat. We see the startled attention of the judges as they began to feel that in this case they must depart from their intended purpose. We can understand how Cæcilius cowered and found consolation in being relieved from his task. We can fancy how Verres suffered,—Verres whom no shame could have touched,—when all his bribes were becoming inefficient under the hands of the orator.

Cicero was chosen for the task and then the real work began. The work as he did it was certainly beyond the strength of any ordinary advocate. It was necessary that he should proceed to Sicily to obtain the evidence which was to be collected over the whole island. He must rake up, too, all the previous details of the life of this robber. He must be thoroughly prepared to meet the schemers on every point. He asked for a hundred and ten days for the purpose of getting up his case, but he took only fifty. We must imagine that as he became more thoroughly versed in the intrigues of his adversaries, new lights came upon him. Were he to use the whole time allotted to him, or even half the time, and then make such an exposition of the criminal as he would delight to do were he to indulge himself with that "perpetua oratio" of which we hear, then the trial would be protracted till the coming of certain public games during which the courts would not sit. There seem to have been three sets of games in his way,—a special set for this year to be given by Pompey which were to last fifteen days. Then the Ludi Romani, which were continued for nine days.

Soon after that would come the games in honour of Victory, —so soon that an adjournment over them would be obtained as a matter of course. In this way the trial would be thrown over into the next year when Hortensius and one Metellus would be Consuls, and another Metellus would be the Prætor, controlling the judgment seats. Glabrio was the Prætor for this present year. In Glabrio Cicero could put some trust. With Hortensius and the two Metelluses in power, Verres would be as good as acquitted. Cicero therefore had to be on the alert so that in this unexpected way, by sacrificing his own grand opportunity for a speech, he might conquer the schemers. We hear how he went to Sicily in a little boat, from an unknown port, so as to escape the dangers contrived for him by the friends of Verres.[1] If it could be arranged that the clever advocate should be kidnapped by a pirate what a pleasant way would that be of putting an end to these abominable reforms! Let them get rid of Cicero, if only for a time, and the plunder might still be divided. Against all this he had to provide. When in Sicily he travelled sometimes on foot, for the sake of caution; never with the retinue to which he was entitled as a Roman Senator. As a Roman Senator he might have demanded free entertainment at any town he entered, to the great cost of the

[1] Actio Secunda, lib. ii. xl. He is speaking of Sthenius, and the illegality of certain proceedings on the part of Verres against him. "If an accused man could be condemned in the absence of the accuser do you think that I would have gone in a little boat from Vibo to Velia among all the dangers prepared for me by your fugitive slaves and pirates,—when I had to hurry at the peril of my life, knowing that you would escape if I were not present to the day?"

town. But from all this he abstained, and hurried back to Rome with his evidence so quickly that he was enabled to produce it before the judges so as to save the adjournments which he feared.

Verres retired from the trial, pleading guilty, after hearing the evidence. Of the witnesses and of the manner in which they told the story we have no account. The second speech which we have,—the Divinatio or speech against Cæcilius having been the first,—is called the "Actio Prima Contra Verrem,"—"the first process against Verres." This is almost entirely confined to an exhortation to the judges. Cicero had made up his mind to make no speech about Verres till after the trial should be over. There would not be the requisite time. The evidence he must bring forward. And he would so appal these corrupt judges that they should not dare to acquit the accused. This "Actio Prima" contains the words in which he did appal the judges. As we read them we pity the judges. There were fourteen whose names we know. That there may have been many more is probable. There was the Prætor Urbanus of the day, Glabrio. With him were Metellus, one of the Prætors for the next year, and Cæsonius who with Cicero himself was Ædile designate. There were three Tribunes of the people, and two military Tribunes. There was a Servilius, a Catulus, a Marcellus. Whom among these he suspected we can hardly say. Certainly he suspected Metellus. To Servilius[1] he paid an ornate compliment in one of the written orations published

[1] Actio Secunda, l. xxi.

after the trial was over, from whence we may suppose that he was well inclined towards him. Of Glabrio he spoke well. The body, as a body, was of such a nature that he found it necessary to appal them. It is thus that he begins. "Not by human wisdom, oh ye judges, but by chance, and by the aid as it were of the gods themselves, an event has come to pass by which the hatred now felt for your order, and the infamy attached to the judgment seat, may be appeased. For an opinion has gone abroad, disgraceful to the Republic, full of danger to yourselves,—which is in the mouth of all men, not only here in Rome but through all nations,—that by these courts as they are now constituted a man if he be only rich enough, will never be condemned,—though he be ever so guilty." What an exordium with which to begin a forensic pleading before a bench of Judges composed of Prætors, Ædiles, and coming Consuls! And this at a time too when men's minds were still full of Sulla's power;—when some were thinking that they too might be Sullas;—while the idea was still strong that a few nobles ought to rule the Roman Empire for their own advantage and their own luxury! What words to address to a Metellus, a Catulus, and a Marcellus! I have brought before you such a wretch, he goes on to say, that by a just judgment upon him you can recover your favour with the people of Rome, and your credit with other nations. "This is a trial in which you, indeed, will have to judge this man who is accused,—but in which also the Roman people will have to judge you. By what is done to him will be determined whether a man

who is guilty and at the same time rich, can possibly be condemned in Rome.[1] If the matter goes amiss here, all men will declare, not that better men should be selected out of your order which would be impossible, but that another order of citizens must be named from which to select the judges."[2] This short speech was made. The witnesses were examined during nine days. Then Hortensius, with hardly a struggle at a reply, gave way, and Verres stood condemned by his own verdict.

When the trial was over and Verres had consented to go into exile and to pay whatever fine was demanded, the "perpetua oratio" which Cicero thought good to make on the matter was published to the world. It is written as though it was to have been spoken, with counterfeit tricks of oratory,—with some tricks so well done in the first part of it as to have made me think that when these special words were prepared, he must have intended to speak them. It has been agreed, however, that such was not the case. It consists of a narration of the villanies of Verres, and is divided into what have been called five different speeches, to which the following appellations are given. "De Prætura urbana," in which we are told what Verres did when he was city Prætor,—and very many things also which he did before he came to that office. "De Jurisdictione Siciliensi," in which is described his conduct as a Roman magistrate in the island. "De Re Frumentaria," setting forth the abomination of his exactions in regard to the corn tax. "De Signis," detailing

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[1] In Verrem, Actio Prima, xvi. [2] Ibid.

the robberies he perpetrated in regard to statues and other ornaments;—and "De Suppliciis" giving an account of the murders he committed and the tortures he inflicted. A question is sometimes mooted in conversation whether or no the general happiness of the world has been improved by increasing civilisation. When the reader finds from these stories as told by a leading Roman of the day, how men were treated under the Roman oligarchy,—not only Greek allies but Romans also,—I think he will be inclined to answer the question in favour of civilisation.

I can only give a few of the many little histories which have been preserved for us in this "Actio Secunda;" but perhaps these few may suffice to show how a great Roman officer could demean himself in his government. Of the doings of Verres before he went to Sicily I will select two. It became his duty on one occasion,—a job which he seems to have sought for purpose of rapine,—to go to Lampsacus, a town in Asia, as lieutenant, or legate, for Dolabella, who then had command in Asia. Lampsacus was on the Hellespont, an allied town of specially good repute. Here he is put up as a guest, with all the honours of a Roman officer, at the house of a citizen named Janitor. But he heard that another citizen, one Philodamus, had a beautiful daughter,—an article with which we must suppose that Janitor was not equally well supplied. Verres, determined to get at the lady, orders that his creature Rubrius shall be quartered at the house of Philodamus. Philodamus, who from his rank was entitled to be burdened only with the presence of leading Romans, grumbles at this; but having grumbled consents, and having

consented, does the best to make his house comfortable. He gives a great supper at which the Romans eat and drink and purposely create a tumult. Verres, we understand, was not there. The intention is that the girl shall be carried away and brought to him. In the middle of their cups the father is desired to produce his daughter. But this he refuses to do. Rubrius then orders the doors to be closed, and proceeds to ransack the house. Philodamus, who will not stand this, fetches his son, and calls his fellow citizens around him. Rubrius succeeds in pouring boiling water over his host, but in the row the Romans get the worst of it. At last one of Verres's lictors,—absolutely a Roman lictor,—is killed, and the woman is not carried off. The man at least bore the outward signs of a lictor, but according to Cicero, was in the pay of Verres as his pimp.

So far Verres fails, and the reader rejoicing at the courage of the father who could protect his own house even against Romans, begins to feel some surprise that this case should have been selected. So far the lieutenant had not done the mischief he had intended. But he soon avenges his failure. He induces Dolabella his chief to have Philodamus and his son carried off to Laodicea and there tried before Nero, the then Proconsul, for killing the sham lictor. They are tried at Laodicea before Nero, Verres himself sitting as one of the judges,—and are condemned. Then in the market-place of the town, in the presence of each other, the father and son are beheaded, a thing, as Cicero says, very sad for all Asia to behold. All this had been done some years ago, and

nevertheless Verres had been chosen Prætor and sent to Sicily to govern the Sicilians.

When Verres was Prætor at Rome,—the year before he was sent to Sicily,—it became his duty, or rather privilege as he found it, to see that a certain temple of Castor in the city was given up in proper condition by the executors of a defunct citizen who had taken a contract for keeping it in repair. This man, whose name had been Junius, left a son who was a Junius also, under age, with a large fortune in charge of various trustees,—or tutors as they were called, —whose duty it was to protect the lad's interests. Verres knowing of old that no property was so easily preyed on as that of a minor, sees at once that something may be done with the temple of Castor. The heir was rich, and to the extent of his property he was bound to leave the edifice in good repair. But Verres, when he made the inspection, finds everything to be in more than usually good order. There is not a scratch on the roof of which he can make use. Nothing has been allowed to go astray. Then "one of his dogs,"—for he had boasted to his friend Ligur that he always went about with dogs to search out his game for him,— suggested that some of the columns were out of the perpendicular. Verres does not know what this means; but the dog explains. All columns are in fact, by strict measurement, more or less out of the perpendicular, as we are told that all eyes squint a little though we do not see that they squint. But as columns ought to be perpendicular here was a matter on which he might go to work. He does go to work. The trustees knowing their man,—knowing also

that in the present condition of Rome, it was impossible to escape from an unjust Prætor without paying largely,—went to his mistress and endeavoured to settle the matter with her. Here we have an amusing picture of the way in which the affairs of the city were carried on in that lady's establishment;—how she had her levee, took her bribes, and drove a lucrative trade. Doing, however, no good with her, the trustees settled with an agent to pay Verres two hundred thousand sesterces to drop the affair. This was something under £2000. But Verres repudiated the arrangement with scorn. He could do much better than that with such a temple and such a minor. He puts the repairs up to auction, and refusing a bid from the trustees themselves,—the very persons who are the most interested in getting the work done if there were work to do,—has it knocked down to himself for five hundred and sixty thousand sesterces, or about £5000.[1] Then we are told how he had the pretended work done by the putting up of a rough crane. No real work is done; no new stones are brought; no money is spent. That is the way in which Verres filled his office as Prætor urbanus; but it does not seem that any public notice is taken of his iniquities as long as he confined himself to little jobs such as this.

Then we come to the affairs of Sicily,—and the long list of robberies is commenced by which that province was made desolate. It seems that nothing gave so grand

[1] We are to understand that the purchaser at the auction having named the sum for which he would do the work, the estate of the minor who was responsible for the condition of the temple, was saddled with that amount.

a scope to the greed of a public functionary who was at the same time governor and judge as disputed wills. It was not necessary that any of the persons concerned should dispute the will among them. Given the facts that a man had died and left property behind him, then Verres would find means to drag the heir into Court and either frighten him into payment of a bribe or else rob him of his inheritance. Before he left Rome for the province he heard that a large fortune had been left to one Dio on condition that he should put up certain statues in the market-place.[1] It was not uncommon for a man to desire the reputation of adorning his own city, but to choose that the expense should be borne by his heir rather than by himself. Failing to put up the statues the heir was required to pay a fine to Venus Erycina, — to enrich, that is, the worship of that goddess who had a favourite temple under Mount Eryx. The statues had been duly erected. But, nevertheless, here there was an opening. So Verres goes to work and in the name of Venus brings an action against Dio. The verdict is given, not in favour of Venus but in favour of Verres.

This manner of paying honour to the gods, and especially to Venus, was common in Sicily. Two sons[2] received a fortune from their father with a condition that if some special thing were not done a fine should be paid to Venus. The man had been dead twenty years ago. But "the dogs" which the Prætor kept were very sharp and,

[1] In Verrem, Actio Secunda, lib. ii. vii. [2] Ibid. ix.

distant as was the time, found out the clause. Action is taken against the two sons, who, indeed gain their case; but they gain it by a bribe so enormous that they are ruined men. There was one Heraclius[1] the son of Hiero, a nobleman of Syracuse, who received a legacy amounting to 3,000,000 sesterces—we will say £24,000, —from a relative, also an Heraclius. He had, too, a house full of handsome silver plate, silk and hangings, and valuable slaves. A man, "Dives equom, dives pictai vestis et auri." Verres heard of course. He had by this time taken some Sicilian dogs into his service, men of Syracuse, and had learned from them that there was a clause in the will of the elder Heraclius that certain statues should be put up in the gymnasium of the city. They undertake to bring forward servants of the gymnasium who should say that the statues were never properly erected, Cicero tells us how Verres went to work, now in this court, now in that, breaking all the laws as to Sicilian jurisdiction, but still proceeding under the pretence of law till he got everything out of the wretch, — not only all the legacies from Heraclius, but every shilling and every article left to the man by his father. There is a pretence of giving some of the money to the town of Syracuse, but for himself he takes all the valuables, the Corinthian vases, the purple hangings,—what slaves he chooses. Then everything else is sold by auction. How he divided the spoil with the Syracusans, and then quarrelled with them, and how he

[1] In Verrem, Actio Secunda, lib. ii. xiv.

lied as to the share taken by himself, will all be found in Cicero's narrative. Heraclius was of course ruined. For the stories of Epicrates and Sopater I must refer the reader to the oration. In that of Sopater there is the peculiarity that Verres managed to get paid by everybody all round. The story of Sthenius is so interesting that I cannot pass it by. Sthenius was a man of wealth and high standing living at Therma in Sicily, with whom Verres often took up his abode. For as governor he travelled much about the island, always in pursuit of plunder. Sthenius had had his house full of beautiful things. Of all these Verres possessed himself, some by begging, some by demanding, and some by absolute robbery. Sthenius, grieved as he was to find himself pillaged, bore all this. The man was Roman Prætor and injuries such as these had to be endured. At Therma, however in the public place of the city, there were some beautiful statues. For these Verres longed and desired his host to get them for him. Sthenius declared that this was impossible. The statues had under peculiar circumstances been recovered by Scipio Africanus from Carthage, and been restored by the Roman General to the Sicilians from whom they had been taken, and had been erected at Therma. There was a peculiarly beautiful figure of Stesichorus the poet, as an old man bent double, with a book in his hand;—a very glorious work of art. And there was a goat,—in bronze probably, as to which Cicero is at the pains of telling us that even he, unskilled as he was in such matters, could see its charms. No one had sharper eyes

for such pretty ornaments than Cicero or a more decided taste for them. But as Hortensius his rival and opponent in this case had taken a marble sphynx from Verres, he thought it expedient to show how superior he was to such matters. There was probably something of joke in this, as his predilections would no doubt be known to those he was addressing.[1]

In the matter Sthenius was incorruptible, and not even the Prætor could carry them away without his aid. Cicero who is very warm in praise of Sthenius declares that "here at last Verres had found one town, the only one in the world, from which he was unable to carry away something of the public property, by force, or stealth, or open command, or favour."[2] The governor was so disgusted with this that he abandoned Sthenius, leaving the house which he had plundered of everything and betook himself to that of one Agathinus who had a beautiful daughter Callidama who with her husband, Dorotheus, lived with her father. They were enemies of Sthenius, and we are given to understand that Verres ingratiated himself with them partly for the sake of Callidama, who seems very quickly to have been given up to him,[3] and partly that he might instigate them to bring actions against Sthenius. This is done with great success,—so that Sthenius is forced to run away and betake himself, winter as it was,

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[1] See Appendix C. [2] In Verrem, Actio Secunda, lib. ii. ca. xxxvi.

[3] Ibid. "Una nox intercesserat, quam iste Dorotheum sic diligebat, ut diceres, omnia inter eos esse communia,"—wife and all. "Iste" always means Verres in these narratives.

across the seas to Rome. It has already been told that when he was at Rome an action was brought against him by Verres for having run away when he was under judgment, in which Cicero defended him and in which he was acquitted. In the teeth of his acquittal Verres persecuted the man by every form of law which came to his hands as Prætor, but always in opposition to the law. There is an audacity about the man's proceedings, in his open contempt of the laws, which it was his special duty to carry out, making us feel how confident he was that he could carry everything before him in Rome by means of his money. By robbery and concealing his robberies, by selling his judgments in such a way that he should maintain some reticence by ordinary precaution, he might have made much money, as other governors had done. But he resolved that it would pay him better to rob everywhere openly, and then, when the day of reckoning came, to buy the judges wholesale. As to shame at such doings there was no such feelings left among Romans.

Before he comes to the story of Sthenius Cicero makes a grandly ironical appeal to the bench before him. "Yes; O judges, keep this man; keep him in the State! Spare him; preserve him so that he too may sit with us as a judge here, so that he too may with impartiality advise us, as a Senator, what may be best for us as to peace and war! Not that we need trouble ourselves as to his senatorial duties. His authority would be nothing. When would he dare or when would he care to come among us? Unless it might be in the idle month of February, when

would a man so idle, so debauched, show himself in the Senate House? Let him come and show himself. Let him advise us to attack the Cretans,—to pronounce the Greeks of Byzantium free; to declare Ptolemy King.[1] Let him speak and vote as Hortensius may direct. This will have but little effect upon our lives or our property. But beyond this there is something we must look to, something that would be distrusted, something that every good man has to fear! If by chance this man should escape out of our hands, he would have to sit there upon that bench and be a judge. He would be called upon to pronounce on the lives of a Roman citizen. He would be the right hand officer in the army of this man here,[2] of this man who is striving to be the lord and ruler of our judgment seats. The people of Rome at least refuse this! This at least cannot be endured!"

The third of these narratives tells us how Verres managed in his Province that provision of corn for the use of Rome, the collection of which made the possession of Sicily so important to the Romans. He begins with telling his readers,—as he does too frequently,—how great and peculiar is the task he has undertaken, and he uses an argument of which we cannot but admit the truth, though we doubt

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[1] These were burning political questions of the moment. It was as though an advocate of our days should desire some disgraced member of Parliament to go down to the house and assist the government in protecting Turkey in Asia and invading Zululand.

[2] "Sit in ejus exercitu signifer." The "ejus" was Hortensius, the coming Consul, to whom Cicero intended to be considered as pointing. For the passage, see In Verrem, Actio Secunda, lib. ii. xxxi.

whether any modern advocate would dare to put it forward. We must remember, however, that Romans were not accustomed to be shamefaced in praising themselves. What Cicero says of himself, all others said also of themselves. Only Cicero could say it better than others. He reminds us that he who accuses another of any crime is bound to be especially free from that crime himself. "Would you charge any one as a thief? You must be clear from any suspicion of even desiring another man's property. "Have you brought a man up for malice or cruelty? Take care that you be not found hard-hearted. Have you called a man a seducer or an adulterer? Be sure that your own life shows no trace of such vices. Whatever you would punish in another, that you must avoid yourself. A public accuser would be intolerable, or even a caviller, who should inveigh against sins for which he himself is called in question. But in this man I find all wickednesses combined. There is no lust, no iniquity, no shamelessness of which his life does not supply us with ample evidence." The nature of the difficulty to which Cicero is thus subjected is visible enough. As Verres is all that is bad, so must he, as accuser, be all that is good; — which is more, we should say, than any man would choose to declare of himself! But he is equal to the occasion. "In regard to this man, O judges, I lay down for myself the law as I have stated it. I must so live that I must clearly seem to be, and always have been, the very opposite of this man, not only in my words and deeds, but as to that arrogance and impudence which you see in him." Then he shows how opposite he is to Verres,

at any rate in impudence! "I am not sorry to see," he goes on to say, "that that life which has always been the life of my own choosing, has now been made a necessity to me by the law which I have laid down for myself."[1] Mr. Pecksniff spoke of himself in the same way, but no one I think believed him. Cicero probably was believed. But the most wonderful thing is that his manner of life justified what he said of himself. When others of his own order were abandoned to lust, iniquity and shamelessness, he lived in purity, with clean hands, doing good as far as was in his power to those around him. A laugh will be raised at his expense in regard to that assertion of his that even in the matter of arrogance his conduct should be the opposite of that of Verres. But this will come because I have failed to interpret accurately the meaning of those words "oris oculorumque illa contumacia ac superbia quam videtis." Verres, as we can understand, had carried himself during the trial with a bragging, brazen, bold face, determined to show no shame as to his own doings. It is in this, which was a matter of manner and taste, that Cicero declares that he will be the man's opposite as well as in conduct. As to the ordinary boastings, by which it has to be acknowledged that Cicero sometimes disgusts his readers, it will be impossible for us to receive a just idea of his character without remembering that it was the custom of a Roman to boast. We wait to have good things said of us,—or are supposed to wait. The Roman

[1] In Verrem, Act. secunda, lib. iii. 11.

said them of himself. The "veni, vidi, vici" was the ordinary mode of expression in those times, — and in earlier times among the Greeks.[1] This is distasteful to us, — and it will probably be distasteful to those who come after us, two or three hundred years hence, that this or that British Statesman should have made himself an Earl or a Knight of the Garter. Now it is thought by many to be proper enough. It will shock men in future days that great peers or rich commoners should have bargained for ribands and lieutenancies and titles. Now it is the way of the time. Though virtue and vice may be said to remain the same from all time to all time, the latitudes allowed and the deviations encouraged in this or the other age must be considered before the character of a man can be discovered. The boastings of Cicero have been preserved for us. We have to bethink ourselves that his words are 2,000 years old. There is such a touch of humanity in them, such a feeling of latter day civilisation and almost of Christianity, that we are apt to condemn what remains in them of paganism as though

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[1] "Exegi monumentum ære perennius," said Horace gloriously. "Sum pius Æneas" is Virgil's expression, put into the mouth of his hero. "Ipse Menalcas," said Virgil himself. Homer and Sophocles introduce their heroes with self-sounded trumpetings;—

Εἴμ' Ὀδυσσεὺς Λαερτιάδης ὅς πᾶσι δόλοισι
Ἀνθρώποισι μέλω, καὶ μὲυ κλέος οὐρανὸν ικει.
Odyssey, Book ix. 19 and 20.

Ὁ πᾶσι κλεινὸς Οἰδίπους καλούμενος.
Œdipus Tyrannus, 8.

they were uttered yesterday. When we come to the coarseness of his attacks, his descriptions of Piso by and by, his abuse of Gabinius and his invectives against Antony, when we read his altered opinions as shown in the period of Cæsar's dominion, his flattery of Cæsar when in power and his exultations when Cæsar has been killed, when we find that he could be coarse in his language and a bully, and servile, for it has all to be admitted,—we have to reflect under what circumstances, under what surroundings, and for what object, were used the words which displease us. Speaking before the full court at this trial he dared to say he knew how to live as a man and to carry himself as a gentleman. As men and gentlemen were then, he was justified.

The description of Verres' rapacity in regard to the corn tax is long and complex, and need hardly be followed at length unless by those who desire to know how the iniquity of such a one could make the most of an imposition which was in itself very bad, and pile up the burden till the poor Province was unable to bear it. There were three kinds of imposition as to corn. The first called the "Decumanum" was simply a tithe. The producers through the island had to furnish Rome with a tenth of their produce, and it was the Prætor's duty,—or rather that of the Quæstor under the Prætor,—to see that the tithe was collected. How Verres saw to this himself, and how he treated the Sicilian husbandmen in regard to the tithe is so told that we are obliged to give the man credit for an

infinite fertility of resources. Then there is the "Emptum," —or corn bought for the use of Rome, of which there were two kinds. A second tithe had to be furnished at a price fixed by the Roman Senate, which price was considered to be below that of its real value, and then 800,000 bushels were purchased, or nominally purchased, at a price which was also fixed by the Senate but which was nearer to the real value. Three sesterces a bushel for the first, and four for the last, were the prices fixed at this time. For making these payments vast sums of money were remitted to Verres, of which the accounts were so kept that it was hard to say whether any found its way into the hands of the farmers who undoubtedly furnished the corn. The third corn tax was the "æstimatum." This consisted of a certain fixed quantity which had to be supplied to the Prætor for the use of his governmental establishment,—to be supplied either in grain or in money. What such a one as Verres would do with his the reader may conceive.

All this was of vital importance to Rome. Sicily and Africa were the granaries from which Rome was supplied with its bread. To get supplies from a Province was necessary. Rich men have servants in order that they may live at ease themselves. So it was with the Romans to whom the Provinces acted as servants. It was necessary to have a sharp agent, some Proconsul or Proprætor,—but when there came one so sharp as Verres all power of re-creating supplies would for a time be destroyed. Even Cicero boasted that in a time of great scarcity, he, being then Quæstor in

Sicily, had sent extraordinary store of corn over to the city.[1] But he had so done it as to satisfy all who were concerned.

Verres in his corn dealings with the Sicilians had a certain friend, companion, and minister,—one of his favourite dogs perhaps we may call him,—named Apronius, whom Cicero specially describes. The description I must give because it is so powerful, because it shows us how one man could in those days speak of another in open court before all the world, because it affords us an instance of the intensity of hatred which the orator could throw into his words;—but I must hide it in the original language, as I could not translate it without offence.[2]

Then we have a book devoted to the special pillage of statues and other ornaments which for the genius displayed in story-telling is perhaps of all the Verrine orations the most amusing. The Greek people had become in a peculiar way

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[1] Pro Plancio, xxvi. "Frumenti in summa caritate maximum numerum miseram; negotiatoribus comis, mercatoribus justus, municipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus."

[2] In Verrem, Act. secunda, lib. iii. ix. "Is erit Apronius ille; qui, ut ipse non solum vita, sed etiam corpore atque ore significat, immensa aliqua vorago est ac gurges vitiorum turpitudinumque omnium. Hunc in omnibus stupris, hunc in fanorum expilationibus, hunc in impuris conviviis principem adhibebat; tantamque habebat morum similitudo conjunctionem atque concordiam, ut Apronius, qui aliis inhumanus ac barbarus, isti uni commodus ac disertus videretur; ut quem omnes odissent neque videre vellent sine eo iste esse non posset; ut quum alii ne conviviis quidem iisdem, quibus Apronius, hic iisdem etiam poculis uteretur; postremo, ut, odor Apronii teterrimus oris et corporis, quem, ut aiunt, ne bestiæ quidem ferre possent, uni isti suavis et jucundus videretur. Ille erat in tribunali proximus; in cubiculo socius; in convivio dominus; ac tum maxime, quum, accubante prætextato prætoris filio, in convivio saltare nudus cœperat."

devoted to what we generally call Art. We are much given to the collecting of pictures, china, bronze and marbles, partly from love of such things, partly from pride in ornamenting our houses so as to excite the admiration of others, partly from a feeling that money so invested is not badly placed with a view to future returns. All these feelings operated with the Greeks to a much greater extent. Investments in Consols and railway shares were not open to them. Money they used to lend at usury no doubt, but with a great chance of losing it. The Greek colonists were industrious, were covetous, and prudent. From this it had come to pass that as they made their way about the world,—to the cities which they established round the Mediterranean,—they collected in their new homes great store of ornamental wealth. This was done with much profusion at Syracuse, a Greek city in Sicily, and spread from them over the whole island. The temples of the gods were filled with the works of the great Greek artists, and every man of note had his gallery. That Verres,—hog as he is described to have been,—had a passion for these things, is manifest to us. He came to his death at last in defence of some favourite images. He had returned to Rome by means of Cæsar's amnesty, and Marc Antony had him murdered because he would not surrender some treasures of art. When we read the "De Signis," about Statues, we are led to imagine that the search after these things was the chief object of the man throughout his three years of office,—as we have before been made to suppose that all his mind and time had been devoted to the cheating of the Sicilians in the matter of corn. But though Verres

loved these trinkets, it was not altogether for himself that he sought them. Only one-third of his plunder was for himself. Senators, judges, advocates, Consuls, and Prætors could be bribed with articles of *vertu* as well as with money.

There are eleven separate stories told of these robberies. I will give very shortly the details of one or two. There was one Marcus Heius, a rich citizen of Messana, in whose house Verres took great delight. Messana itself was very useful to him, and the Mamertines, as the people of Messana were called, were his best friends in all Sicily. For he made Messana the depôt of his plunder, and there he caused to be built at the expense of the Government an enormous ship called the "Cybea,"[1] in which his treasures were carried out of the island. He therefore specially favoured Messana, and the district of Messana was supposed to have been scourged by him with lighter rods than those used elsewhere in Sicily. But this man Heius had a chapel, very sacred, in which were preserved four specially beautiful images. There was a Cupid by Praxiteles, and a bronze Hercules by Myro, and two Canœphræ by Polycletus. These were treasures which all the world came to see, and which were open to be seen by all the world. These Verres took away, and caused accounts to be forged in which it was made to appear that he had bought them for trifling sums.

[1] A great deal is said of the "Cybea" in this and the last speech. The money expended on it was passed through the accounts as though the ship had been built for the defence of the island from pirates, but it was intended solely for the depository of the Governor's plunder.

It seems that some forced assent had been obtained from Heius as to the transaction. Now there was a plan in vogue for making things pleasant for a Proconsul retiring from his government, in accordance with which a deputation would proceed from the Province to Rome to declare how well and kindly the Proconsul had behaved in his government. The allies, even when they had been as it were skinned alive by their Governor, were constrained to send their deputations. Deputations were got up in Sicily from Messana and Syracuse,—and with the others from Messana came this man Heius. Heius did not wish to tell about his statues. But he was asked questions and was forced to answer. Cicero informs us how it all took place. "He was a man," he said,—this is what Cicero tells us that Heius said,—"who was well esteemed in his own country, and would wish you"—you judges—"to think well of his religious spirit and of his personal dignity. He had come here to praise Verres because he had been required to do so by his fellow citizens. He, however, had never kept things for sale in his own house, and had he been left to himself nothing would have induced him to part with the sacred images which had been left to him by his ancestors as the ornaments of his own chapel.[1] Nevertheless, he had come to praise Verres, and would have held his tongue had it been possible."

Cicero finishes his catalogue by telling us of the manifold robberies committed by Verres in Syracuse, especially from

[1] In Verrem, Actio secunda, lib. iv. vii.

the temples of the gods, and he begins his account of the Syracusan iniquities by drawing a parallel between two Romans whose names were well known in that city. Marcellus who had besieged it as an enemy and taken it, and Verres who had been sent to govern it in peace. Marcellus had saved the lives of the Syracusans. Verres had made the Forum to run with their blood. The harbour which had held its own against Marcellus,—as we may read in our Livy,—had been wilfully opened by Verres to Cilician pirates. This Syracuse which had been so carefully preserved by its Roman conqueror, the most beautiful of all the Greek cities on the face of the earth,—so beautiful that Marcellus had spared to it all its public ornaments,—had been stripped bare by Verres. There was the temple of Minerva from which he had taken all the pictures. There were doors to this temple of such beauty that books had been written about them. He stripped the ivory ornaments from them and the golden balls with which they had been made splendid. He tore off from them the head of the Gorgon —and carried it away,—leaving them to be rude doors, Goth that he was!

And he took the Sappho from the Prytaneum, the work of Silanion! a thing of such beauty that no other man can have the like of it in his own private house; yet Verres has it,—a man hardly fit to carry such a work of art as a burden, not possess it as a treasure of his own. "What too!" he says, "have you not stolen Pæan from the temple of Æsculapius, a statue so remarkable for its beauty, so well-known for the worship attached to it, that all the world

has been wont to visit it. What! has not the image of Aristæus been taken by you from the temple of Bacchus? Have you not even stolen the statue of Jupiter Imperator, so sacred in the eyes of all men,—that Jupiter which the Greeks call Ourios? You have not hesitated to rob the temple of Proserpine of the lovely head in Parian marble." [1] Then Cicero speaks of the worship due to all these gods as though he himself believed in their godhead. As he had begun this chapter with the Mamertines of Messana, so he ends it with an address to them. "It is well that you should come, you alone out of all the Provinces and praise Verres here in Rome. But what can you say for him? Was it not your duty to have built a ship for the Republic? You have built none such, but have constructed a huge private transport vessel for Verres. Have you not been exempted from your tax on corn? Have you not been exempted in regard to naval and military recruits? Have you not been the receptacle of all his stolen goods? They will have to confess, these Mamertines, that many a ship laden with his spoils has left their port, and especially this huge transport ship which they built for him!"

In the De Suppliciis,—the treatise about punishments, as the last division of this process is called,—Cicero tells the world how Verres exacted vengeance from those who were opposed to him, and with what horrid cruelty he raged against his enemies. The stories indeed are very dreadful. It is harrowing to think that so evil a man should have been invested with powers so great for so bad a purpose. But

[1] In Verrem, Actio secunda, lib. iv. lvii.

that which strikes a modern reader most is the sanctity attached to the name of a Roman citizen, and the audacity with which the Roman Proconsul disregarded that sanctity. "Cives Romanus," is Cicero's cry from the beginning to the end. No doubt he is addressing himself to Romans, and seeking popularity as he always did. But nevertheless, the demands made upon the outside world at large by the glory of that appellation are astonishing, even when put forward on such an occasion as this. One Gavius escapes from a prison in Syracuse, and, making his way to Messana, foolishly boasts that he would be soon over in Italy, out of the way of Prætor Verres and his cruelties. Verres unfortunately is in Messana, and soon hears from some of his friends, the Mamertines, what Gavius was saying. He at once orders Gavius to be flogged in public. "Cives Romanus sum," exclaims Gavius, no doubt truly. It suits Verres to pretend to disbelieve this, and to declare that the man is a runagate slave. The poor wretch still cries "Cives Romanus," and trusts alone to that appeal. Whereupon Verres puts up a cross on the sea-shore, and has the man crucified in sight of Italy, so that he shall be able to see the country of which he is so proud. Whether he had done anything to deserve crucifixion, or flogging, or punishment at all, we are not told. The accusation against Verres is not for crucifying the man, but for crucifying the Roman. It is on this occasion that Cicero uses the words which have become proverbial as to the iniquity of this proceeding.[1] During the

[1] In Verrem, Actio secunda, lib. v. lxvi. "Facinus est vinciri civem Romanum; scelus verberari; prope parricidium necari; quid dicam in crucem tollere!"

telling of this story he explains this doctrine, claiming for the Roman citizen, all the world over, some such protection as Freemasons are supposed to give each other, whether known or unknown. "Men of straw," he says, "of no special birth, go about the world. They resort to places they have never seen before, where they know none and none know them. Here, trusting to their claim solely, they feel themselves to be safe, not only where our magistrates are to be found who are bound both by law and by opinion, not only among other Roman citizens who speak their language and follow the same customs;—but abroad, over the whole world, they find this to be sufficient protection." [1] Then he goes on to say that if any Prætor may at his will put aside this sanctity, all the provinces, all the kingdoms, all the free states, all the world abroad, will very soon lose the feeling.

But the most remarkable story is that told of a certain pirate captain. Verres had been remiss in regard to the pirates,—very cowardly indeed, if we are to believe Cicero. Piracy in the Mediterranean was at that time a terrible drawback to trade, that piracy that a year or two afterwards Pompey was effectual in destroying. A governor in Sicily had, among other special duties, to keep a sharp look-out for the pirates. This Verres omitted so entirely that these scourges of the sea soon learned that they might do almost as they pleased on the Sicilian coasts. But it came to pass that on one day a pirate vessel fell by accident into the

[1] In Verrem, Actio secunda, lib. v. lxv.

hands of the governor's officers. It was not taken, Cicero says, but was so overladen that it was picked up almost sinking.[1] It was found to be full of fine handsome men, of silver both plated and coined, and of precious stuffs. Though not "taken" it was "found," and carried into Syracuse. Syracuse is full of the news, and the first demand is that the pirates, according to Roman custom, shall all be killed. But this does not suit Verres. The slave markets of the Roman Empire are open, and there are men among the pirates whom it will suit him better to sell than to kill. There are six musicians, "symphoniacos homines," whom he sends as a present to a friend at Rome. But the people of Syracuse are very much in earnest. They are too sharp to be put off with pretences, and they count the number of slaughtered pirates. There are only some useless, weak, ugly, old fellows beheaded from day to day, and being well aware how many men it must have taken to row and manage such a vessel, they demand that the full crew shall be brought to the block. "There is nothing in victory more sweet," says Cicero, "no evidence more sure, than to see those whom you did fear, but have now got the better of, brought out to tortures or death."[2] Verres is so much frightened by the resolution of the citizens that he does not dare to neglect their wishes. There are, lying in the prisons of Syracuse, a lot of prisoners, Roman citizens, of whom he is glad to rid himself. He has them brought

[1] In Verrem, Actio secunda, lib. v. xxv. "Onere suo plane captam atque depressam."

[2] Ibid xxvi.

out, with their heads wrapped up so that they shall not be known, and has them beheaded instead of the pirates! A great deal is said, too, about the pirate captain, the arch-pirate as he is called. There seems to have been some money dealings personally between him and Verres, on account of which Verres kept him hidden. At any rate the arch-pirate was saved. "In such a manner this celebrated victory is managed.[1] The pirate ship is taken and the chief pirate is allowed to escape. The musicians are sent to Rome. The men who are good-looking and young are taken to the Prætor's house. As many Roman citizens as will fill their places are carried out as public enemies, and are tortured and killed! All the gold and silver and precious stuffs are made a prize of by Verres!"

Such are the accusations brought against this wonderful man, the truth of which has I think on the whole been admitted. The picture of Roman life which it displays is wonderful,—that such atrocities should have been possible; and equally so of provincial subjection,—that such cruelties should have been endured. But in it all the greatest wonder is that there should have risen up a man so determined to take the part of the weak against the strong with no reward before him, apparently with no other prospect than that of making himself odious to the party to which he belonged. Cicero was not a Gracchus anxious to throw himself into the arms of the people. He was an oligarch by conviction, born to oligarchy, bred to it, convinced that by it alone could

[1] In Verrem, Act. secunda, lib. v. xxviii.

the Roman Republic be preserved. But he was convinced also that unless these oligarchs could be made to do their duty the Republic could not stand. Therefore it was that he dared to defy his own brethren and to make the acquittal of Verres an impossibility. I should be inclined to think that the day on which Hortensius threw up the sponge and Verres submitted to banishment and fine, was the happiest in the orator's life.

Verres was made to pay a fine which was very insufficient for his crimes, and then to retire into comfortable exile. From this he returned to Rome when the Roman exiles were amnestied, and was shortly afterwards murdered by Antony, as has been told before.

CHAPTER VII.

CICERO AS ÆDILE AND PRÆTOR.

THE year after the trial of Verres was that of Cicero's Ædileship. We know but little of him in the performance of the duties of this office, but we may gather that he performed them to the satisfaction of the people. He did not spend much money for their amusements although it was the custom of Ædiles to ruin themselves in seeking popularity after this fashion; and yet when two years afterwards he solicited the Prætorship from the people he was three times elected as first Prætor in all the comitia, three separate elections having been rendered necessary by certain irregularities and factious difficulties. To all the offices, one after another, he was elected in his first year,—the first year possible in accordance with his age; and was elected first in honour, the first as Prætor and then the first as Consul. This, no doubt, was partly due to his compliance with those rules for canvassing which his brother Quintus is said to have drawn out, and which I have quoted; but it proves also the trust which was felt in him by the people. The candidates for the most part were the candidates for the aristocracy. They were put forward with the idea that thus might the aristocratic

B.C. 69. ætat 38.

rule of Rome be best maintained. Their elections were carried on by bribery and the people were for the most part indifferent to the proceeding. Whether it might be a Verres, or an Antony, or an Hortensius, they took the money that was going. They allowed themselves to be delighted with the games, and they did as they were bid. But every now and then there came up a name which stirred them, and they went to the voting pens,—ovilia—with a purpose of their own. When such a candidate came forward he was sure to be first. Such had been Marius, and such had been the great Pompey, and such was Cicero. The two former were men successful in war, who gained the voices of the people by their victories. Cicero gained them by what he did inside the city. He could afford not to run into debt and ruin himself during his Ædileship, —as had been common with Ædiles,— because he was able to achieve his popularity in another way. It was the chief duty of the Ædiles to look after the town generally, to see to the temples of the gods, to take care that houses did not tumble down, to look to the cleansing of the streets and to the supply of water. The markets were under them, and the police, and the recurrent festivals. An active man, with common sense, such as was Cicero, no doubt did his duty as Ædile well.

He kept up his practice as an advocate during his years of office. We have left to us the part of one speech and the whole of another spoken during this period. The former was in favour of Fonteius whom the Gauls prosecuted for plundering them as Proprætor, and the latter is a

civil case on behalf of Cæcina, addressed to the "recuperatores" as had been that for Marcus Tullius. The speech for Fonteius is remarkable as being as hard against the provincial Gauls, as his speech against Verres had been favourable to the Sicilians. But the Gauls were barbarians, whereas the Sicilians were Greeks. And it should be always remembered that Cicero spoke as an advocate and that the praise and censure of an advocate require to be taken with many grains of salt. Nothing that these wretched Gauls could say against a Roman citizen ought to be accepted in evidence! All the Romans, he says, who have been in the Province wish well to Fonteius. "Would you rather believe these Gauls? Led by what feeling? By the opinion of men! Is the opinion then of your enemies of greater weight than that of your fellow citizens? Or is it the greater credibility of the witnesses? Would you prefer then unknown men to known, dishonest men to honest, foreigners to your own countrymen, greedy men to those who come before you for nothing, men of no religion to those who fear the gods, those who hate the empire and the name of Rome to allies and citizens who are good and faithful?"[1] In every word of this he begs the question so as to convince us that his own case was weak; and when he makes a final appeal to the pity of the judges we are sure that Fonteius was guilty. He tells the judges that the poor mother of the accused man has no other support than this son, and that there is a

[1] Pro Fonteio, xiii.

sister one of the virgins devoted to the service of Vesta who being a vestal virgin cannot have sons of her own, and is therefore entitled to have her brother preserved for her. When we read such arguments as these we are sure that Fonteius had misused the Gauls. We believe that he was acquitted because we are told that he bought a house in Rome soon afterwards, but we feel that he escaped by the too great influence of his advocate. We are driven to doubt whether the power over words which may be achieved by a man by means of natural gifts, practice, and erudition, may not do evil instead of good. A man with such a tongue as that of Cicero will make the listener believe almost whatever he will. And the advocate is restrained by no horror of falsehood. In his profession alone it is considered honourable to be a bulwark to deception and to make the worse appear the better cause. Cicero did so when the occasion seemed to him to require it and has been accused of hypocrisy in consequence. There is a passage in one of the dialogues, De Oratore, which has been continually quoted against him because the word "fibs" has been used with approval. The orator is told how it may become him to garnish his good story with little white lies, — "mendaciunculis"[1] The advice does not indeed refer to facts, or to evidence, or to arguments.

[1] De Oratore, lib. ii. lix. "Perspicitis, hoc genus quam sit facetum, quam elegans, quam oratorium, sive habeas vere, quod narrare possis, quod tamen, est mendaciunculis aspergendum, sive fingas." Either invent a story, or if you have an old one add on something so as to make it really funny. Is there a parson, a bishop, an archbishop, who if he have any sense of humour about him does not do the same?

It goes no further than to suggest that amount of exaggeration which is used by every teller of a good story in order that the story may be good. Such "mendaciuncula" are in the mouth of every diner-out in London and we may pity the dinner parties at which they are not used. Reference is made to them now because the use of the word by Cicero, having been misunderstood by some who have treated his name with severity, has been brought forward in proof of his falsehood. You shall tell a story about a very little man and say that he is only thirty-six inches. You know very well that he is more than four feet high. That will be a "mendaciunculum" according to Cicero. The phrase has been passed on from one enemy to another till the little fibs of Cicero's recommending have been supposed to be direct lies suggested by him to all advocates, and therefore continually used by him as an advocate. They have been only the garnishing of his drolleries. As an advocate he was about as false, and about as true as an advocate of our own day.[1] That he was not paid, and that our English barristers are paid for the work they do, makes I think, no difference either in the innocency or the falseness of the practice. I cannot but believe that, hereafter, an improved tone of general feeling will forbid a man of honour to use arguments which he thinks to be

[1] Cicero, Pro Cluentio, l., explains very clearly his own idea as to his own speeches as an advocate, and may be accepted perhaps, as explaining the ideas of barristers of to-day. "He errs," he says, "who thinks that he gets my own opinions in speeches made in law courts; such speeches are what the special cases require, and are not to be taken as coming from an advocate as his own."

untrue, or to make others believe that which he does not believe himself. Such is not the state of things now in London,—nor was it at Rome in Cicero's time. There are touches of eloquence in the plea for Fonteius, but the reader will probably agree with me that the orator was well aware that the late governor who was on his trial had misused those unfortunate Gauls.

In the year following that of Cicero's Ædileship were written the first of his epistles which have come to us. He was then not yet thirty-nine years old, B.C. 68, and during that year and the next seven, were written eleven letters,—all to Atticus. Those to his other friends,—"Ad Familiares" as we have been accustomed to call them; "Ad Diversos" they are commonly called now, — began only with the close of his consular year. How it has come to pass that there have been preserved only those which were written after a period of life at which most men cease to be free correspondents cannot be said with certainty. It has probably been occasioned by the fact that he caused his letters to be preserved as soon as he himself perceived how great would be their value. Of the nature of their value it is hardly possible to speak too highly. I am not prepared indeed to agree with the often quoted assertion of Cornelius Nepos that he who has read his letters to Atticus will not lack much of the history of those days.[1]

[1] When the question is discussed we are forced rather to wonder how many of the great historical doings of the time are not mentioned, or are mentioned very slightly, in Cicero's letters. Of Pompey's treatment of the pirates, and of his battling in the East little or nothing is said;—nothing of

A man who should have read them and nothing else, even in the days of Augustus, would not have learned much of the preceding age. But if not for the purpose of history the letters generally have, if read aright, been all but enough for the purpose of biography. With a view to the understanding of the man's character they have, I think, been enough. From them such a flood of light has been turned upon the writer, that all his nobility and all his defects, all his aspirations and all his vacillations have been made visible. We know how human he was,—and how, too, he was only human; how he sighed for great events, and allowed himself to think sometimes that they could be accomplished by small manœuvres; how like a man, he could be proud of his work and boast,—how like a man, he could despair and almost die. But I wish it to be acknowledged by those who read his letters in order that they may also read his character, that they were, when written, private letters, intended to tell the truth, and that if they are to be believed in reference to his weaknesses, they are also to be believed in reference to his strength. If they are singularly transparent as to the

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Cæsar's doings in Spain. Mention is made of Cæsar's great operations in Gaul only in reference to the lieutenancy of Cicero's brother Quintus, and to the employment of his young friend Trebatius. Nothing is said of the manner of Cæsar's coming into Rome after passing the Rubicon;—nothing of the manner of fighting at Dyrrachium and Pharsalia; very little of the death of Pompey; nothing of Cæsar's delay in Egypt. The letters deal with Cicero's personal doings and thoughts, and with the politics of Rome as a city. The passage to which allusion is made occurs in the life of Atticus, ca. xvi., "Quæ qui legat non multum desideret historiam contextam illorum temporum."

man, opening, especially to Atticus, the secrets of his soul more completely than would even any girl in the nineteenth century when writing to her bosom friend, so must they be taken as being more honestly true. To regard the higher aspirations as hypocritical, and only the meaner effluxions of his mind as emblematic of the true man, is both unreasonable and uncharitable. Nor, I think, will that reader be in the way to see the truth who cannot teach himself what has in Cicero's case been the effect of daring to tell to his friend an unvarnished tale. When with us some poor thought does makes its way across our minds we do not sit down and write it to another, —nor if we did, would an immortality be accorded to the letter. If one of us were to lose his all,—as Cicero lost his all when he was sent into exile, — I think it might well be that he should for a time be unmanned. But he would either not write, or in writing would hide much of his feelings. On losing his Tullia some father of to-day would keep it all in his heart,—would not maunder out his sorrows. Even with our truest love for our friends some fear is mingled which forbids the use of open words. Whether this be for good or for evil I will not say;—but it is so. Cicero, whether he did or did not know that his letters would live, was impeded by no such fear. He said everything that there was within him;—being in this I should say quite as unlike to other Romans of the day as he was to ourselves. In the collection as it has come to us there are about fifty letters not from Cicero,—written to Cicero by his brother, by Decimus Brutus, by

Plancus and others. It will I think be admitted that their tone is quite different from that used by himself. There are none indeed from Atticus, none written under terms of such easy friendship as prevailed when many were written by Cicero himself. It will probably be acknowledged that his manner of throwing himself open to his correspondent was peculiar to him. If this be so, he should surely have the advantage as well as the disadvantage of his own mode of utterance. The reader who allows himself to think that the true character of the man is to be read in the little sly things he said to Atticus, but that the nobler ideas were merely put forth to cajole the public, is as unfair to himself as he is to Cicero.

In reading the entire correspondence,—the letters from Cicero either to Atticus or to others,—it has to be remembered that in the ordinary arrangement of them made by Grævius[1] they are often incorrectly placed in regard to chronology. In subsequent times efforts have been made to restore them to their proper position, and so they should be read. The letters to Atticus and those "Ad Diversos" have generally been published separately. For the ordinary purpose of literary pleasure they may perhaps be best read in that way. The tone of them is different. The great bulk of the correspondence is political, or quasi-political. The manner is much more familiar, much less severe,—though not on that account indicating less seriousness,—in those written to

[1] Jean George Greefe was a German, who spent his life as a professor at Leyden, and, among other classical labours, arranged and edited the letters of Cicero. He died in 1703.

Atticus than in the others. With one or two signal exceptions those to Atticus are better worth reading. The character of the writer may perhaps be best gathered from divided perusal. But for a general understanding of the facts of Cicero's life the whole correspondence should be taken as it was written. It has been published in this shape as well as in the other, and will be used in this shape in my effort to portray the life of him who wrote them.[1]

We have three letters written when he was thirty-eight, in the year after his Ædileship. In the first he tells his friend of the death of his cousin Lucius Cicero, who had travelled with him into Sicily, and alludes to the disagreements which had taken place between Pomponia, the sister of Atticus, and her husband Quintus Cicero,—our Cicero's brother. Marcus in all that he says of his brother makes the best of him. That Quintus was a scholar and a man of parts there can be no doubt; one, too, who rose to high office in the Republic. But he was arrogant, of harsh temper, cruel

B.C. 68. ætat 39.

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[1] It must be explained, however, that continued research and increased knowledge have caused the order of the letters and the dates assigned to them to be altered from time to time. And,—though much has been done to achieve accuracy,—more remains to be done. In my references to the letters I at first gave them, both to the arrangement made by Grævius and to the numbers assigned in the edition I am using. But I have found that the numbers would only mislead, as no numbering has been yet adopted as fixed. Arbitrary and even fantastic as is the arrangement of Grævius it is better to confine myself to that because it has been acknowledged, and will enable my readers to find the letters if they wish to do so. Should Mr. Tyrrell continue and complete his edition of the correspondence he will go far to achieve the desired accuracy. A second volume has appeared since this work of mine has been in the press.

to those dependent on him, and altogether unimbued with the humanity which was the peculiar characteristic of his brother. "When I found him to be in the wrong," says Cicero in his first letter, "I wrote to him as to a brother whom I loved,—but as to one younger than myself, and whom I was bound to tell of his fault." As is usual with correspondents half the letter is taken up with excuses for not writing sooner. Then he gives commissions for the purchase of statues for his Tusculan villa, of which we now hear for the first time, and tells his friend how his wife Terentia sends her love though she is suffering from the gout. Tullia also, the dear little Tullia,—"deliciæ nostræ,"[1]—sends her love. In the next, he says how a certain house which Atticus had intended to purchase had been secured by Fonteius for 130,000 sesterces, something over £1,000, taking the sesterce at 2*d.* This no doubt was part of the plunder which Fonteius had taken from the Gauls. Quintus is getting on better with his wife. Then he tells his friend very abruptly that his father died that year on the eighth day before the kalends of December,—on the 24th November. Some question as to the date of the old man's death had probably been asked. He gives further commissions as to statues, and declares of his Tusculan villa that he is happy only when he is there. In the third letter he promises that he will be ready to pay one Cincius £170 on a certain day,—

[1] The peculiarities of Cicero's character are nowhere so clearly legible as in his dealings with and words about his daughter. There is an effusion of love, and then of sorrow when she dies,—which is un-Roman, almost feminine,—but very touching.

the price probably of more statues, and gives orders to his friend as to the buying of books. "All my prospect of enjoying myself at my ease depends on your goodness." These were the letters he wrote when he had just ceased to be Ædile.

From the next two years five letters remain to us, chiefly noticeable from the continued commissions given by Cicero to Atticus for statues. Statues and more statues are wanted as ornaments for his Tusculanum. Should there be more than are needed for that villa he will begin to decorate another that he has,—the Formianum, near Caieta. He wants whatever Atticus may think proper for his "palæstra" and "gymnasium." Atticus has a library or collection of maps for sale, and Cicero engages to buy them; though it seems that he has not at present quite got the money. He reserves, he says, all his little comings-in,—"vindemiolas,"—what he might make by selling his grapes, as a lady in the country might get a little income from her spare butter,—in order that he may have books as a resource for his old age. Again, he bids Atticus not to be afraid but what he, Cicero, will be able to buy them some day,—which if he can do he will be richer than Crassus, and will envy no one his mansions or his lawns. He also declares that he has betrothed Tullia, then ten years old, to Caius Piso, son of Lucius Piso Frugi. The proposed marriage, which after three years of betrothal was duly solemnised, was considered to be in all respects desirable. Cicero thought very highly of his son-in-law, who was related to Calpurnius Piso, one of the Consuls of that year. So far everything was going well with our orator.

He was then candidate for the Prætorship,—and was elected first, as has been already said. It was in that year too, that a law was passed in Rome at the instance of one Gabinius, a tribune, authorising Pompey to exterminate the pirates in the Mediterranean and giving him almost unlimited power for this object. Pompey was not indeed named in this law. A single general, one who had been Consul, was to be approved by the Senate, with exclusive command by sea and for fifty miles on shore. He was to select as his own officers a hitherto unheard of number, all of senatorial rank. It was well understood when the law was worded that Pompey alone could fill the place. The Senate opposed the scheme with all its power, although, seven years before, it had acknowledged the necessity of some measure for extirpating the pirates. But jealousies prevailed, and the Senate was afraid of Pompey. Gabinius however carried his law by the votes of the people, and Pompey was appointed.

B.C. 67. ætat 40.

Nothing tells us more clearly the wretched condition of things in Rome at this time than this infliction of pirates under which their commerce was almost destroyed. Sulla had reestablished the outside show of a strong government, —a government which was strong enough to enable rich men to live securely in Rome; but he had done nothing to consolidate the Empire. Even Lucullus in the East had only partially succeeded, leaving Mithridates still to be dealt with by Pompey. Of what nature was the government of the provinces under Sulla's aristocracy we

learn from the trials of Verres and of Fonteius and of Catiline. The Mediterranean swarmed with pirates who taught themselves to think that they had nothing to fear from the hands of the Romans. Plutarch declares to us, no doubt with fair accuracy, because the description has been admitted by subsequent writers,—how great was the horror of these depredations.[1] It is marvellous to us now that this should have been allowed,—marvellous that pirates should reach such a pitch of importance that Verres had found it worth his while to sacrifice Roman citizens in their place. Pompey went forth with his officers, his fleets and his money and cleared the Mediterranean,—in forty days as Plutarch says. Florus tells us that not a

[1] I annex a passage from our well-known English translation. "The power of the pirates had its foundation in Cilicia. Their progress was the more dangerous, because at first it had been but little noticed. In the Mithridatic war they assumed new confidence and courage, on account of some services which they had rendered the king. After this, the Romans being engaged in civil war at the very gates of their capital, the sea was left unguarded, and the pirates by degrees attempted higher things; not only attacking ships, but islands and maritime towns. Many persons distinguished for their wealth, birth, and capacity embarked with them, and assisted in their depredations, as if their employment had been worthy the ambition of men of honour. They had in various places arsenals, ports, and watch-towers, all strongly fortified. Their fleets were not only extremely well manned, supplied with skilful pilots, and fitted for their business by their lightness and celerity; but there was a parade of vanity about them, more mortifying than their strength, in gilded sterns, purple canopies, and plated oars; as if they took a pride and triumphed in their villainy. Music resounded, and drunken revels were exhibited on every coast. Here generals were made prisoners; and there the cities, which the pirates had seized upon, were paying their ransom, to the great disgrace of the Roman power. The number of their galleys amounted to a thousand, and the cities taken to four hundred." The passage is taken from the life of Pompey.

ship was lost, by the Romans and not a pirate left on the seas.[1]

In the history of Rome at this time we find men of mark whose characters as we read, become clear to us, or appear to become clear. Of Marius and of Sulla we have a defined idea. Cæsar with his imperturbable courage, absence of scruples, and assurance of success, comes home to us. Cicero, I think, we certainly may understand. Catiline, Cato, Antony and Brutus have left their portraits with us. Of Pompey I must acknowledge for myself that I have but a vague conception. His wonderful successes seem to have been produced by so very little power of his own! He was not determined and venomous as was Marius, not cold-blooded and ruthless as was Sulla, certainly not confident as was Cæsar, not humane as was Cicero, not passionate as Catiline, not stoic as was Cato, not reckless as was Antony, nor wedded to the idea of an oligarchy as was Brutus. Success came in his way, and he found it; —found it again and again till fortune seemed to have adopted him. Success lifted him higher and higher till at last it seemed to him that he must be a Sulla whether he would or no.[2] But he could not endure the idea of

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[1] Florus, lib. iii. 6. "An felicitatem, quod ne una cuidam navis amissa est; an vero perpetuetatem, quod ampluis piratæ non fucrunt."

[2] Of the singular trust placed in Pompey there are very many proofs in the history of Rome at this period, but none perhaps clearer than the exception made in his favour in the wording of laws. In the agrarian law proposed by the tribune Rullus and opposed by Cicero when he was consul, there is a clause commanding all generals under the Republic to account for the spoils

a rival Sulla. I doubt whether ambition would have prompted him to fight for the empire of the Republic, had he not perceived that that empire would fall into Cæsar's hands did he not grasp it himself. It would have satisfied him to let things go, while the citizens called him 'Magnus' and regarded him as the man who could do a great thing if he would,—if only no rivalship had been forced upon him. Cæsar did force it on him, and then as a matter of course he fell. He must have understood warfare from his youth upwards, knowing well the purposes of a Roman legion and of Roman auxiliaries. He had destroyed Sertorius in Spain, a man certainly greater than himself, and had achieved the honour of putting an end to the Servile war when Spartacus the leader of the slaves and gladiators had already been killed. He must have appreciated at its utmost the meaning of those words "Cives Romanus." He was a handsome man, with good health, patient of labour, not given to luxury, reticent, I should say ungenerous, and with a strong touch of vanity; a man able to express but unable to feel friendship; with none of the highest attributes of manhood, but with all the second-rate attributes at their best. A capable brave man,—but one certain to fall crushed beneath the heel of such a man as Cæsar, and as certain to leave such a one as Cicero in the lurch.

It is necessary that the reader should attempt to realise to

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taken by them in war. But there is a special exemption in favour of Pompey. "Pompeius exceptus esto." It is as though no tribune dared to propose a law affecting Pompey.

himself the personal characteristics of Pompey as from this time forward Cicero's political life,—and his life now became altogether political,—was governed by that of Pompey. That this was the case to a great extent is certain,—to a sad extent, I think. The two men were of the same age; but Pompey had become a general among soldiers before Cicero had ceased to be a pupil among advocates. As Cicero was making his way towards the front, Pompey was already the first among Romans. He had been Consul seven years before his proper time, and had lately as we have seen, been invested with extraordinary powers in that matter of putting down the pirates. In some sort the mantle of Sulla had fallen upon him. He was the leader of what we may call the conservative party. If, which I doubt, the political governance of men was a matter of interest to him, he would have had them governed by oligarchical forms. Such had been the forms in Rome,—in which, though the votes of the people were the source of all power, the votes hardly went further than the selection of this or that oligarch. Pompey no doubt felt the expediency of maintaining the old order of things,—in the midst of which he had been born to high rank, and had achieved the topmost place either by fortune or by merit. For any heartfelt conviction as to what might be best for his country or his countrymen, in what way he might most surely use his power for the good of the citizens generally, we must, I think, look in vain to that Pompey whom history has handed down to us. But, of all matters which interested Cicero, the governance of men interested him the most. How should the great Rome of his day rise

to greater power than ever, and yet be as pure as in the days of her comparative insignificance? How should Rome be ruled, so that Romans might be the masters of the world, in mental gifts as well as bodily strength, in arts as well as in arms,—as by valour, so by virtue? He, too, was an oligarch by strongest conviction. His mind could conceive nothing better than Consuls, Prætors, Censors, Tribunes, and the rest of it,—with, however, the stipulation that the Consuls, and the Prætors should be honest men. The condition was no doubt an impossible one; but this he did not or would not see. Pompey himself was fairly honest. Up to this time he had shown no egregious lust for personal power. His hands were clean in the midst of so much public plunder. He was the leader of the conservative party. The "Optimates," or "Boni" as Cicero indifferently calls them,—meaning as we should say the upper classes who were minded to stand by their order,—believed in him, though they did not just at that time wish to confide to him the power which the people gave him. The Senate did not want another Sulla;—and yet it was Sulla who had reinstated the Senate. The Senate would have hindered Pompey, if it could, from his command against the pirates, and again from his command against Mithridates. But he, nevertheless, was naturally their head, —as came to be seen plainly when seventeen years afterwards Cæsar passed the Rubicon, and Cicero in his heart acknowledged Pompey as his political leader while Pompey lived. This, I think, was the case to a sad extent, as Pompey was incapable of that patriotic enthusiasm which Cicero demanded. As we go on we shall find that the worst

episodes in Cicero's political career were created by his doubting adherence to a leader whom he bitterly felt to be untrue to himself, and in whom his trust became weaker and weaker to the end.

Then came Cicero's Prætorship. In the time of Cicero there were eight Prætors, two of whom were employed in the city, and the six others in the provinces. The 'Prætor Urbanus' was confined to the city, and was regarded as the first in authority. This was the office filled by Cicero. His duty was to preside among the judges, and to name a judge or judges for special causes.

Cicero at this time, when he and Pompey were forty or forty-one, believed thoroughly in Pompey. When the great General was still away, winding up the affairs of his maritime war against the pirates, there came up the continually pressing question of the continuation of the Mithridatic war. Lucullus had been absent on that business nearly seven years, and though he had been at first grandly victorious, had failed at last. His own soldiers, tired of their protracted absence, mutinied against him, and Glabrio, a later Consul who had been sent to take the command out of his hands, had feared to encounter the difficulty. It was essential that something should be done, and one Manilius, a Tribune, a man of no repute himself, but whose name has descended to all posterity in the oration "Pro Lege Manilia," proposed to the people that Pompey should have the command. Then Cicero first entered, as we may say, on political life. Though he had been Quæstor and Ædile, and was now Prætor, he had

B.C. 66, ætat 41.

taken a part only in executive administration. He had had his political ideas,—and had expressed them very strongly in that matter of the judges which, in the condition of Rome, was certainly a political question of great moment. But this he had done as an advocate, and had interfered only as a barrister of to-day might do, who in arguing a case before the judges should make an attack on some alleged misuse of patronage. Now, for the first time, he made a political harangue, addressing the people in a public meeting from the rostra. This speech is the oratio "Pro Lege Manilia." This he explains in his first words. Hitherto his addresses had been to the judges,—Judices; now it is to the people,—Quirites. "Although, Quirites, no sight has ever been so pleasant to me as that of seeing you gathered in crowds, although this spot has always seemed to me the fittest in the world for action and the noblest for speech, nevertheless, not my own will indeed, but the duties of the profession which I have followed from my earliest years, have hitherto hindered me from entering upon this, the best path to glory which is open to any good man." It is only necessary for our purpose to say in reference to the matter in question that this command was given to Pompey in opposition to the Senate.

As to the speech itself it requires our attention on two points. It is one of those choice morsels of polished latinity which has given to Cicero the highest rank among literary men, and has, perhaps, made him the greatest writer of prose which the world has produced. I have sometimes attempted to make a short list of his *chefs d'œuvre*,—of

his tit-bits as I must say if I am bound to express myself in English. The list would never allow itself to be short, and so has become almost impossible. But whenever the attempt has been made this short oration in its integrity has always been included in it. My space hardly permits me to insert specimens of the author's style, but I will give in an appendix,[1]—two brief extracts as specimens of the beauty of words in Latin. I almost fancy that if properly read they would have a grace about them even to the ears of those to whom Latin is unknown. I venture to attach to them in parallel columns my own translation, acknowledging in despair how impossible I have found it to catch anything of the rhythm of the author. As to the beauty of the language I shall probably find no opponent. But a serious attack has been made on Cicero's character because it has been supposed that his excessive praise was lavished on Pompey with a view of securing the great General's assistance in his candidature for the consulship. Even Middleton repeats this accusation, and only faintly repels it. M. Du Rozoir, the French critic, declares that "in the whole oration there is not a word which was not dictated to Cicero the Prætor by his desire to become Consul, and that his own elevation was in his thoughts all through, and not that of Pompey." The matter would be one to us but of little moment were it not that Cicero's character for honesty as a politician depends on the truth or falsehood of his belief in Pompey. Pompey had been almost miraculously fortunate up to this period of his life's career.

[1] See Appendix D.

He had done infinitely valuable service to the State. He had already crushed the pirates. There was good ground for believing that in his hands the Roman arms would be more efficacious against Mithridates than in those of any other general. All that Cicero says on this head, whatever might have been his motive for saying it, was at any rate true.

A man desirous of rising in the service of his country of course adheres to his party. That Cicero was wrong in supposing that the Republic, which had in fact already fallen, could be re-established by the strength of any one man, could be bolstered up by any leader, has to be admitted. That in trusting to Pompey as a politician he leaned on a frail reed I admit. But I will not admit that in praising the man he was hypocritical or unduly self-seeking. In our own political contests when a subordinate member of the Cabinet is zealously serviceable to his chief, we do not accuse him of falsehood because by that zeal he has also strengthened his own hands. How shall a patriot do the work of his country unless he be in high place; and how shall he achieve that place except by co-operation with those whom he trusts? They who have blamed Cicero for speaking on behalf of Pompey on this occasion seem to me to ignore not only the necessities, but the very virtues of political life.

One other remarkable oration Cicero made during his Prætorship, that namely in defence of Aulus Cluentius Habitus. As it is the longest, so is it the most intricate, and on account of various legal points the most difficult to follow of all his speeches. But there are none perhaps

which tell us more of the condition, or perhaps I should say the possibilities of life among the Romans of that day. The accusation against Roscius Amerinus was accompanied by horrible circumstances. The iniquities of Verres as a public officer who had the power of blessing, —or of cursing,—a whole people, were very terrible. But they do not shock so much as the story here told of private life. That any man should have lived as did Oppianicus, or any woman as did Sassia, seems to prove a state of things worse than anything described by Juvenal a hundred and fifty years later. Cicero was no doubt unscrupulous as an advocate, but he could have gained nothing here by departing from verisimilitude. We must take the picture as given us as true, and acknowledge that though law processes were common, crimes such as those of this man and of this woman were not only possible, but might be perpetrated with impunity. The story is too long and complicated to be even abridged; but it should be read by those who wish to know the condition of life in Italy during the latter days of the Republic.

In the year after he was Prætor,—in the first of the two years between his Prætorship and his Consulship, —B.C. 65,—he made a speech in defence of one Caius Cornelius, as to which we hear that the pleadings in the case occupied four days. This, with our interminable "causes célèbres," does not seem much to us, but Cicero's own speech was so long that in publishing it he divided it into two parts. This Cornelius had been Tribune in the year but one before, and was accused of having

B.C. 65. ætat 42.

misused his power when in office. He had incurred the enmity of the aristocracy by attempts made on the popular side to restrain the Senate; especially by the stringency of a law proposed for stopping bribery at elections. Cicero's speeches are not extant. We have only some hardly intelligible fragments of them, which were preserved by Asconius,[1] a commentator on certain of Cicero's orations; but there is ground for supposing that these Cornelian orations were at the time matter of as great moment as those spoken against Verres, or almost as those spoken against Catiline. Cicero defended Cornelius who was attacked by the Senate,—by the rich men who desired office and the government of provinces. The law proposed for the restriction of bribery at elections no doubt attempted to do more by the severity of its punishment than can be achieved by such means. It was mitigated, but was still admitted by Cicero to be too rigorous. The rancour of the Senate against Cornelius seems to have been due to this attempt; but the illegality with which he was charged and for which he was tried had reference to another law suggested by him,—for restoring to the people the right of pardon which had been usurped by the Senate. Caius

[1] Asconius Pedianus was a grammarian who lived in the reign of Tiberius, and whose commentaries on Cicero's speeches as far as they go, are very useful in explaining to us the meaning of the orator. We have his notes on these two Cornelian orations and some others,—especially on that of Pro Milone. There are also commentaries on some of the Verrine orations;—not by Asconius,—but from the pen of some writer now called Pseudo-Asconius, having been long supposed to have come from Asconius. They, too, go far to elucidate much which would otherwise be dark to us.

Cornelius seems to have been a man honest and eager in his purpose to save the Republic from the greed of the oligarchs; — but, as had been the Gracchi, ready in his eagerness to push his own authority too far in his attempt to restrain that of the Senate. A second Tribune, in the interest of the Senate, attempted to exercise an authority which undoubtedly belonged to him, by inhibiting the publication or reading of the proposed law. The person whose duty it was to read it was stopped. Then Cornelius pushed aside the inferior officer, and read it himself. There was much violence and the men who brought the accusation against Cornelius, two brothers named Cominii, had to hide themselves, and saved their lives by escaping over the roofs of the houses.

This took place when Cicero was standing for the Prætorship, and the confusion consequent upon it was so great that it was for a while impossible to carry on the election. In the year after his Prætorship Cornelius was put upon his trial, and the two speeches were made.

The matter seems to have been one of vital interest in Rome. The contest on the part of the Senate was for all that made public life dear to such a body. Not to bribe, —not to be able to lay out money in order that money might be returned ten-fold, a hundred-fold, would be to them to cease to be aristocrats. The struggles made by the Gracchi, by Livius Drusus, by others whose names would only encumber us here, by this Cornelius, were the expiring efforts of those who really desired an honest Republic. Such were the struggles made by Cicero himself,

—though there was present always to him an idea, with which in truth neither the demagogues nor the aristocrats sympathised, that the reform could be effected, not by depriving the Senate of its power, but by teaching the Senate to use it honestly. We can sympathise with the idea, but we are driven to acknowledge that it was futile.

Though we know that this was so, the fragments of the speeches, though they have been made intelligible to us by the "argument" or story of them prefixed by Asconius in his notes, cannot be of interest to readers. They were extant in the time of Quintilian who speaks of them with the highest praise.[1] Cicero himself selects certain passages out of these speeches as examples of eloquence or rhythm,[2] thus showing the labour with which he composed them, polishing them by the exercise of his ear as well as by that of his intellect. We know from Asconius that this trial was regarded at the time as one of vital interest.

We have two letters from Cicero written in the year

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[1] Quint. lib. viii. 3. The critic is explaining the effect of ornament in oratory;—of that beauty of language which with the people has more effect than argument, and he breaks forth himself into perhaps the most eloquent passage in the whole Institute. "Cicero in pleading for Cornelius fought with arms which were as splendid as they were strong. It was not simply by putting the facts before the judges, by talking usefully, in good language and clearly, that he succeeded in forcing the Roman people to acknowledge by their voices and by their hands their admiration. It was the grandeur of his words, their magnificence, their beauty, their dignity, which produced that outburst."

[2] Orator. lxvii. and lxx.

after his Prætorship, both to Atticus, the first of which tells us of his probable competition for the Consulship. The second informs his friend that a son is born to him, — he being then forty-two years old, — and that he is thinking to undertake the defence of Catiline who was to be accused of peculation as Proprætor in Africa. "Should he be acquitted," says Cicero, "I should hope to have him on my side in the matter of my canvass. If he should be convicted I shall be able to bear that too." There were to be six or seven candidates, of whom two of course would be chosen. It would be much to Cicero "to run," as our phrase goes, with the one who among his competitors would be the most likely to succeed. Catiline, in spite of his then notorious character,—in the teeth of the evils of his government in Africa,—was from his birth, his connections, and from his ability supposed to have the best chance. It was open to Cicero to defend Catiline as he had defended Fonteius, and we know from his own words that he thought of doing so. But he did not; nor did Cicero join himself with Catiline in the canvassing. It is probable that the nature of Catiline's character and intentions were now becoming clearer from day to day. Catiline was tried and acquitted,—having it is said bribed the judges.

CHAPTER VIII.

CICERO AS CONSUL.

HITHERTO everything had succeeded with Cicero. His fortune and his fame had gone hand in hand. The good will of the citizens had been accorded to him on all possible occasions. He had risen surely if not quickly to the top of his profession, and had so placed himself there as to have torn the wreath from the brow of his predecessor and rival Hortensius. On no memorable occasion had he been beaten. If now and then he had failed to win a cause in which he was interested it was as to some matter in which, as he had said to Atticus in speaking of his contemplated defence of Catiline, he was not called on to break his heart if he were beaten. We may imagine that his life had been as happy up to this point as a man's life may be. He had married well. Children had been born to him, who were the source of infinite delight. He had provided himself with houses, marbles, books and all the intellectual luxuries which well-used wealth could produce. Friends were thick around him. His industry, his ability and his honesty were acknowledged. The citizens had given him all that it was in their power to give. Now at the earliest possible day, with circumstances of much more

than usual honour, he was put in the highest place which his country had to offer, and knew himself to be the one man in whom his country at this moment trusted. Then came the one twelvemonth, the apex of his fortunes; and after that for the twenty years that followed, there fell upon him one misery after another, one trouble on the head of another trouble, so cruelly that the reader knowing the manner of Romans almost wonders that he condescended to live.

B.C. 64, ætat 43.

He was chosen Consul we are told not by the votes but by the unanimous acclamation of the citizens. What was the exact manner of doing this we can hardly now understand. The Consuls were elected by ballot, wooden tickets having been distributed to the people for the purpose; but Cicero tells us that no voting tickets were used in his case, but that he was elected by the combined voice of the whole people.[1]

He had stood with six competitors. Of these it is only necessary to mention two,—as by them only was Cicero's life affected, and as, out of the six, only they seem to have come prominently forward during the canvassing. These were Catiline the conspirator as we shall have to call him in dealing with his name in the next chapter, and Caius Antonius one of the sons of Marc Antony, the great orator of the preceding age, and uncle of the Marc Antony with whom we are all so well acquainted, and

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[1] De Lege Agraria, ii. 2. "Meis comitiis non tabellam, vindicem tacitæ libertatis, sed vocem vivam præ vobis, indicem vestrarum erga me voluntatum ac studiorum tulistis. Itaque me . . . . una voce universus populus Romanus consulem declaravit."

with whom we shall have so much to do, before we get to the end of this work. Cicero was so easily the first that it may be said of him that he walked over the course. Whether this was achieved by the Machiavellian arts which his brother Quintus taught in his treatise "De Petitione Consulatus," or was attributable to his general popularity, may be a matter of doubt. As far as we can judge from the signs which remain to us of the public feeling of the period it seems that he was at this time regarded with singular affection by his countrymen. He had robbed none, and had been cruel to no one. He had already abandoned the profit of provincial government,—to which he was by custom entitled after the lapse of his year's duty as Prætor,—in order that he might remain in Rome among the people. Though one of the Senate himself,—and full of the glory of the Senate, as he had declared plainly enough in that passage from one of the Verrine orations which I have quoted,—he had generally pleaded on the popular side. Such was his cleverness, that even when on the unpopular side, — as he may be supposed to have been when defending Fonteius,—he had given a popular aspect to the cause in hand. We cannot doubt, judging from the loud expression of the people's joy at his election, that he had made himself beloved. But nevertheless he omitted none of those cares which it was expected that a candidate should take. He made his electioneering speech "in toga candida,"—in a white robe, as candidates did, and were thence so called. It has not come down to us,—nor do we regret it, judging from

the extracts which have been collected from the notes which Asconius wrote upon it. It was full of personal abuse of Antony and Catiline his competitors. Such was the practice of Rome at this time,—as it was also with us not very long since. We shall have more than enough of such eloquence before we have done our task. When we come to the language in which Cicero spoke of Clodius his enemy, of Piso and Gabinius the Consuls who allowed him to be banished, and of Marc Antony, his last great opponent, the nephew of the man who was now his colleague, we shall have very much of it. It must again be pleaded that the foul abuse which fell from other lips has not been preserved; and that Cicero therefore must not be supposed to have been more foul-mouthed than his rivals. We can easily imagine that he was more bitter than others, because he had more power to throw into his words the meaning which he intended them to convey.

Antony was chosen as Cicero's colleague. It seems from such evidence as we are able to get on the subject that Cicero trusted Antony no better than he did Catiline, but appreciating the wisdom of the maxim, "divide et impera," —separate your enemies and you will get the better of them, which was no doubt known as well then as now,— he soon determined to use Antony as his ally against Catiline who was presumed to reckon Anthony among his fellow conspirators. Sallust puts into the mouth of Catiline a declaration to this effect,[1] and Cicero did use

[1] Sall. Conj. Catilinaria, xxi. "Petere consulatum C. Antonium, quem sibi collegam fore speraret, hominem et familiarem, et omnibus necessitudinibus circumventum." Sallust would no doubt have put anything into

Antony for the purpose. The story of Catiline's conspiracy is so essentially the story of Cicero's Consulship, that I may be justified in hurrying over the other events of his year's rule;—but still there is something that must be told. Though Catiline's conduct was under his eye during the whole year it was not till October that the affairs in which we shall have to interest ourselves commenced.

Of what may have been the nature of the administrative work done by the great Roman officers of state we know very little. Perhaps I might better say that we know nothing. Men, in their own diaries, when they keep them, or even in their private letters, are seldom apt to say much of those daily doings which are matter of routine to themselves and are by them supposed to be as little interesting to others. A Prime Minister with us, were he as prone to reveal himself in correspondence as was Cicero with his friend Atticus, would hardly say when he went to the Treasury Chambers or what he did when he got there. We may imagine that to a Cabinet Minister even a Cabinet Council would after many sittings become a matter of course. A leading barrister would hardly leave behind him a record of his work in chambers. It has thus come to pass that though we can picture to ourselves a Cicero before the judges, or addressing the people from the rostra, or uttering his opinion in the Senate, we know nothing of him as he sat in his office and did his

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Catiline's mouth which would suit his own purpose; but it was necessary for his purpose that he should confine himself to credibilities.

consular work. We cannot but suppose that there must have been an office with many clerks. There must have been heavy daily work. The whole operation of government was under the Consul's charge, and to Cicero, with a Catiline on his hands, this must have been more than usually heavy. How he did it, with what assistance, sitting at what writing-table, dressed in what robes, with what surroundings of archives and red tape, I cannot make manifest to myself. I can imagine that there must have been much of dignity, — as there was with all leading Romans, but beyond that I cannot advance even in fancying what was the official life of a Consul.

In the old days the Consul used as a matter of course to go out and do the fighting. When there was an enemy here, or an enemy there, the Consul was bound to hurry off with his army, north or south, to different parts of Italy. But gradually this system became impracticable. Distances became too great, as the empire extended itself beyond the bounds of Italy, to admit of the absence of the Consuls. Wars prolonged themselves through many campaigns,—as notably did that which was soon to take place in Gaul under Cæsar. The Consuls remained at home, and Generals were sent out with proconsular authority. This had become so certainly the case that Cicero on becoming Consul had no fear of being called on to fight the enemies of his country. There was much fighting then in course of being done by Pompey in the East. But this would give but little trouble to the great officers at home, unless it might be in sending out necessary supplies.

The Consul's work however, was severe enough. We find from his own words in a letter to Atticus written in the year but one after his Consulship, 61 B.C., that as Consul he made twelve public addresses. Each of them must have been a work of labour, requiring a full mastery over the subject in hand, and an arrangement of words very different in their polished perfection from the generality of parliamentary speeches to which we are accustomed. The getting up of his cases must have taken great time. Letters went slowly and at a heavy cost. Writing must have been tedious when that most common was done with a metal point on soft wax. An advocate who was earnest in a case had to do much for himself. We have heard how Cicero made his way over to Sicily, creeping in a little boat through the dangers prepared for him, in order that he might get up the evidence against Verres. In defending Aulus Cluentius, when he was Prætor, Cicero must have found the work to have been immense. In preparing the attack upon Catiline it seems that every witness was brought to himself. There were four Catiline speeches made in the year of his Consulship, but in the same year many others were delivered by him. He mentions, as we shall see just now, twelve various speeches made in the year of his Consulship.

I imagine that the words spoken can in no case have been identical with those which have come to us,—which were, as we may say, prepared for the press by Tiro his slave and secretary. We have evidence as to some of them,—especially as to the second Catiline oration, that

time did not admit of its being written and learned by heart after the occurrence of the circumstances to which it alludes. It needs must have been extemporary, with such mental preparation as one night may have sufficed to give him. How the words may have been taken down in such a case we do not quite know, but we are aware that shorthand writers were employed though there can hardly have been a science of stenography perfected as is that with us.[1] The words which we read were probably much polished before they were published, but how far this was done we do not know. What we do know is that the words which he spoke, moved, convinced and charmed those who heard them, as do the words we read, move, convince and charm us. Of these twelve consular speeches Cicero gives a special account to his friend. "I will send you," he says, "the speechlings[2] which you require as well as some others,—seeing that those which I have written out at the request of a few young men, please you

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[1] Cicero himself tells us that many shorthand [writers were sent by him,—"Plures librarii," as he calls them,—to take down the words of the Agrarian law which Rullus proposed. De Lege Agra. ii. 5. Pliny, Quintilian and Martial speak of these men as Notarii. Martial explains the nature of their business—

> "Currant verba licet, manus est velocior illis;
> Nondum lingua suum, dextra peregit opus."—xiv. 208.

[2] Ad Att. ii. 1. "Oratiunculas," he calls them. It would seem here that he pretends to have preserved these speeches only at the request of some admiring young friends. Demosthenes of course was the "fellow citizen," so called in badinage, because Atticus, deserting Rome, lived much at Athens.

also. It was an advantage to me here to follow the example of that fellow citizen of yours in those orations which he called his Philippics. In these he brightened himself up, and discarded his 'nisi prius' way of speaking, so that he might achieve something more dignified, something more statesmanlike. So I have done with these speeches of mine which may be called 'consulares,'" — as having been made not only in his consular year but also with something of consular dignity. "Of these one, on the new land laws proposed, was spoken in the Senate on the Calends of January, the second on the same subject to the people. The third was respecting Otho's law.[1] The fourth was in defence of Rabirius.[2] The fifth was in reference to the children of those who had lost their property and their rank under Sulla's proscription.[3] The sixth was an address to the people and explained why I renounced my provincial government.[4] The seventh drove Catiline

[1] This speech, which has been lost, was addressed to the people with the view of reconciling them to a law in accordance with which the Equites were entitled to special seats in the theatre. It was altogether successful.

[2] This, which is extant, was spoken in defence of an old man who was accused of a political homicide thirty-seven years before,—of having killed, that is, Saturninus the Tribune. Cicero was unsuccessful, but Rabirius was saved by the common subterfuge of an interposition of omens. There are some very fine passages in this oration.

[3] This has been lost. Cicero, though he acknowledged the iniquity of Sulla's proscriptions, showed that their effects could not now be reversed without further revolutions. He gained his point on this occasion.

[4] This has been lost. Cicero, in accordance with the practice of the time, was entitled to the government of a province when ceasing to be Consul. The rich province of Macedonia fell to him by lot, but he made it over to his colleague Antony, thus purchasing if not Antony's co-operation, at any rate

out of the city. The eighth was addressed to the people the day after Catiline fled. The ninth was again spoken to the people, on the day on which the Allobroges gave their evidence. Then again the tenth was addressed to the Senate on the fifth of December," — also respecting Catiline. "There are also two short supplementary speeches on the Agrarian war. You shall have the whole body of them. As what I write and what I do are equally interesting to you you will gather from the same documents all my doings and all my sayings."

It is not to be supposed that in this list are contained all the speeches which he made in his consular year, but those only which he made as Consul,—those to which he was desirous of adding something of the dignity of statesmanship, something beyond the weight attached to his pleadings as a lawyer. As an advocate, Consul though he was, he continued to perform his work,—from whence we learn that no state dignity was so high as to exempt an established pleader from the duty of defending his friends. Hortensius, when Consul elect, had undertaken to defend Verres. Cicero defended Murena when he was Consul. He defended C. Calpurnius Piso also, who was accused, as were so many, of proconsular extortion; — but whether in this year or in the preceding is not I think known.[1] Of his

his quiescence, in regard to Catiline. He also made over the province of Gail, which then fell to his lot, to Metellus, not wishing to leave the city. All this had to be explained to the people.

[1] It will be seen that he also defended Rabirius in his consular year, but had thought fit to include that among his consular speeches. Some doubt has been thrown, especially by Mr. Tyrrell, on the genuineness of Cicero's

speech on that occasion we have nothing remaining. Of his pleading for Murena we have, if not the whole, the material part, and, though nobody cares very much for Murena now, the oration is very amusing. It was made towards the end of the year, on the 20th of November,—after the second Catiline oration, and before the third, at the very moment in which Cicero was fully occupied with the evidence on which he intended to convict Catiline's fellow conspirators. As I read it I am carried away by wonder rather than admiration at the energy of the man who could at such a period of his life give up his time to master the details necessary for the trial of Murena.

Early in the year Cicero had caused a law to be passed,—which after him was called the Lex Tullia,—increasing the stringency of the enactments against bribery on the part of consular candidates. His intention had probably been to hinder Catiline, who was again about to become a candidate. But Murena, who was elected, was supposed to have been caught in the meshes of the net, and also Silanus, the other Consul designate. Cato, the man of stern nature, the great stoic of the day, was delighted to have an opportunity of proceeding against some one, and not very sorry to attack Murena with weapons provided from the armoury of

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letter giving the list of his "oratiunculas consulares," because the speeches Pro Murena and Pro Pisone are omitted, and as containing some "rather un-Ciceronian expressions." My respect for Mr. Tyrrell's scholarship and judgment is so great that I hardly dare to express an opinion contrary to his; but I should be sorry to exclude a letter so Ciceronian in its feeling. And if we are to have liberty to exclude without evidence, where are we to stop?

Murena's friend, Cicero. Silanus, however, who happened to be cousin to Cato, was allowed to pass unmolested. Sulpicius, who was one of the disappointed candidates, Cato, and Postumius were the accusers. Hortensius, Crassus, and Cicero, were combined together for the defence of Murena. But as we read the single pleading that has come to us we feel that, unlike those Roman trials generally, this was carried on without any acrimony on either side. I think it must have been that Cato wished to have an opportunity of displaying his virtue, but it had been arranged that Murena was to be acquitted. Murena was accused among other things of dancing! Greeks might dance, as we hear from Cornelius Nepos,[1] but for a Roman Consul it would be disgraceful in the highest extreme. A lady indeed might dance,—but not much. Sallust tells us of Sempronia,—who was indeed a very bad female if all that he says of her be true,—that she danced more elegantly than became an honest woman.[2] She was the wife of a Consul. But a male Roman of high standing might not dance at all. Cicero defends his friend by showing how impossible it was,—how monstrous the idea. "No man would dance unless drunk or mad." Nevertheless, I imagine that Murena had danced.

Cicero seizes an opportunity of quizzing Cato for his stoicism, and uses it delightfully. Horace was not more happy when in defence of Aristippus he declared that any

[1] Corn. Nepo. Epaminondas, I. "We know that with us,"—Romans,—"music is foreign to the employments of a great man. To dance would amount to a vice. But these things among the Greeks are not only pleasant but praiseworthy."

[2] Conj. Catilinaria, xxv.

philosopher would turn up his nose at cabbage if he could get himself asked to the tables of rich men.[1] "There was one Zeno," Cicero says,—"who laid down laws. No wise man would forgive any fault. No man worthy of the name of man would allow himself to be pitiful. Wise men are beautiful, even though deformed, rich though penniless. Kings though they be slaves. We who are not wise are mere exiles, runagates, enemies of our country and madmen. Any fault is an unpardonable crime. To kill an old cock if you do not want it is as bad as to murder your father!"[2] And these doctrines, he goes on to say, which are used by most of us merely as something to talk about, this man, Cato, absolutely believes, and tries to live by them. I shall have to refer back to this when I speak of Cicero's philosophy more at length,—but his common sense crops up continually in the expressions which he uses for defending the ordinary conditions of a man's life in opposition to that impossible superiority to mundane things which the philosophers professed to teach their pupils. He turns to Cato and asks him questions,—which he answers himself with his own philosophy, "Would you pardon nothing? Well; yes; but not all things. Would you do nothing for friendship? Sometimes;—unless duty should stand in the way. Would you never be moved to pity? I would maintain my habit of sincerity, but something must no doubt be

[1] Horace, Epis. i. xvii:—

"Si sciret regibus uti
Fastidiret olus qui me notat."

[2] Pro Murena, xxix.

allowed to humanity. It is good to stick to your opinion; —but only until some better opinion shall have prevailed with you." In all this the humanity of our Cicero as opposed equally to the impossible virtue of a Cato or the abominable vice of a Verres, is in advance of his age and reminds us of what Christ has taught us.

But the best morsel in the whole oration is that in which he snubs the lawyers. It must be understood that Cicero did not pride himself on being a lawyer. He was an advocate, and if he wanted law there were those of an inferior grade to whom he could go to get it. In truth he did understand the law, being a man of deep research, who inquired into everything. As legal points had been raised he thus addresses Sulpicius, who seems to have affected a knowledge of jurisprudence, who had been a candidate for the Consulship, and who was his own intimate friend. "I must put you out of your conceit," he says; "it was your other gifts, not a knowledge of the laws,—your moderation, your wisdom, your justice, which in my opinion, made you worthy of being loved. I will not say you threw away your time in studying law, but it was not thus you made yourself worthy of the Consulship.[1] That power of eloquence, majestic and full of dignity, which has so often availed in raising a man to the Consulship, is able by its words to move the minds of the Senate and the people, and the

[1] Pro Murena, x. This Sulpicius was afterwards Consul with M. Marcellus, and in the days of the Philippics was sent as one of a deputation to Antony. He died while on the journey. He is said to have been a man of excellent character.—and a thorough-going Conservative.

judges.[1] But in such a poor science as that of law what honour can there be? Its details are taken up with mere words and fragments of words.[2] They forget all equity in points of law and stick to the mere letter."[3] He goes through a presumed scene of chicanery, which, Consul as he was, he must have acted before the judges and the people, no doubt to the extreme delight of them all. At last he says, "Full as I am of business, if you raise my wrath I will make myself a lawyer and learn it all in three days."[4] From these and many other passages in Cicero's writings and speeches, and also from Quintilian, we learn that a Roman advocate was by no means the same as an English barrister. The science which he was supposed to have learned was simply that of telling his story in effective language. It no doubt came to pass that he had much to do in getting up the details of his story,—what we may call the evidence. But he looked elsewhere, to men of another profession, for his law. The "Juris-consultus" or the "Juris peritus," was the lawyer, and as such was regarded as being of much less importance than the "patronus" or advocate, who stood before the whole city and pleaded the cause. In this trial of Murena, who was by trade a soldier, it suited Cicero to belittle lawyers and to extol the army. When he is telling Sulpicius that it was not by being a lawyer that a man could become Consul, he goes on to praise the high dignity of his client's profession. "The greatest glory is achieved by those who

[1] Pro Murena, xi.
[2] Ib. xi.
[3] Ib. xii.
[4] Ib. xiii.

excel in battle. All our empire, all our republic is defended and made strong by them."[1] It was thus that the advocate could speak! This comes from the man who always took glory to himself in declaring that the "toga" was superior to helmet and shield! He had already declared that they erred who thought that they were going to get his own private opinion in speeches made in law courts.[2] He knew how to defend his friend Murena, who was a soldier, and in doing so could say very sharp things, though yet in joke, against his friend Sulpicius, the lawyer. But in truth few men understood the Roman law better than did Cicero.

But we must go back to that agrarian law respecting which, as he tells us, four of his consular speeches were made. This had been brought forward by Rullus, one of the Tribunes, towards the end of the last year. The Tribunes came into office in December, whereas at this period of the Republic, the Consuls were in power only on and from January 1st. Cicero, who had been unable to get the particulars of the new law till it had been proclaimed, had but a few days to master its details. It was to his thinking altogether revolutionary. We have the words of many of the clauses, and though it is difficult at this distance of time to realise what would have been its effect, I think we are entitled to say that it was intended to subvert all property. Property, speaking of it generally, cannot be destroyed. The land remains, and the combined results of man's industry are too numerous, too large, and

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[1] Pro Murena, xi.

[2] Pro Cluentio, l.

too lasting to become a wholesale prey to man's anger or madness. Even the elements when out of order can do but little towards perfecting destruction. A deluge is wanted;—or that crash of doom which, whether it is to come or not, is believed by the world to be very distant. But it is within human power to destroy possession and redistribute the goods which industry, avarice, or perhaps injustice have congregated. They who own property are in these days so much stronger than those who have none that an idea of any such redistribution does not create much alarm among the possessors. The spirit of communism does not prevail among people who have learned that it is in truth easier to earn than to steal. But with the Romans political economy had naturally not advanced so far as with us. A subversion of property had to a great extent taken place no later than in Sulla's time. How this had been effected the story of the property of Roscius Amerinus has explained to us. Under Sulla's enactments no man with a house, with hoarded money, with a family of slaves, with rich ornaments, was safe. Property had been made to change hands recklessly, ruthlessly, violently by the illegal application of a law promulgated by a single individual,—who, however, had himself been instigated by no other idea than that of re-establishing the political order of things which he approved. Rullus, probably with other motives, was desirous of effecting a subversion which, though equally great, should be made altogether in a different direction. The ostensible purpose was something as follows. As the Roman people had by their valour and wisdom achieved

for Rome great victories and therefore great wealth, they, as Roman citizens, were entitled to the enjoyment of what they had won; whereas, in fact, the sweets of victory fell to the lot only of a few aristocrats. For the reform of this evil it should be enacted that all public property which had been thus acquired,—whether land or chattels,—should be sold, and with the proceeds other lands should be bought fit for the use of Roman citizens, and be given to those who should choose to have it. It was specially suggested that the rich country called the Campania,—that in which Naples now stands with its adjacent isles,—should be bought up and given over to a great Roman colony. For the purpose of carrying out this law ten magistrates should be appointed with plenipotentiary power both as to buying and selling. There were many underplots in this. No one need sell unless he chose to sell. But at this moment much land was held by no other title than that of Sulla's proscriptions. The present possessors were in daily fear of dispossession by some new law made with the object of restoring their property to those who had been so cruelly robbed. These would be very glad to get any price in hand for land of which their tenure was so doubtful; and these were the men whom the "decemviri," or ten magistrates, would be anxious to assist. We are told that the father-in-law of Rullus himself had made a large acquisition by his use of Sulla's proscriptions. And then there would be the instantaneous selling of the vast districts obtained by conquest, and now held by the Roman State. When so much land would be thrown into the market, it would be sold very

cheap,—and would be sold to those whom the "decemviri" might choose to favour! We can hardly now hope to unravel all the intended details, but we may be sure that the basis on which property stood would have been altogether changed by the measure. The "decemviri" were to have plenary power for ten years. All the taxes in all the provinces were to be sold,—or put up to market. Everything supposed to belong to the Roman State was to be sold in every province, for the sake of collecting together a huge sum of money which was to be divided in the shape of land among the poorer Romans. Whatever may have been the private intentions of Rullus, whether good or bad it is evident, even at this distance of time, that a re-distribution of property was intended which can only be described as a general subversion. To this the new Consul opposed himself vehemently, successfully, and, we must needs say, patriotically.

The intense interest which Cicero threw into his work is as manifest in these agrarian orations as in those subsequently made as to the Catiline conspiracy. He ascends in his energy to a dignity of self-praise which induces the reader to feel that a man who could so speak of himself without fear of contradiction had a right to assert the supremacy of his own character and intellect. He condescends on the other hand to a virulence of personal abuse against Rullus which, though it is to our taste offensive, is, even to us, persuasive, making us feel that such a man should not have undertaken such a work. He is describing the way in which the bill was first introduced; "Our Tribunes at last enter

upon their office. The harangue to be made by Rullus is especially expected. He is the projector of the law, and it was expected that he would carry himself with an air of special audacity. When he was only Tribune-elect he began to put on a different countenance, to speak with a different voice, to walk with a different step. We all saw how he appeared with soiled raiment, with his person uncared for and foul with dirt, with his hair and beard uncombed and untrimmed." [1] In Rome, men under afflictions, particularly if under accusation, showed themselves in soiled garments so as to attract pity, and the meaning here is that Rullus went about as though under grief at the condition of his poor fellow citizens who were distressed by the want of this agrarian law. No description could be more likely to turn an individual into ridicule than this of his taking upon himself to represent in his own person the sorrows of the city. The picture of the man with the self-assumed garments of public woe, as though he were big enough to exhibit the grief of all Rome, could not but be effective. It has been supposed that Cicero was insulting the Tribune because he was dirty. Not so. He was ridiculing Rullus because Rullus had dared to go about in mourning,—"sordidatus,"—on behalf of his country.

But the tone in which Cicero speaks of himself is magnificent. It is so grand as to make us feel that a Consul of Rome who had the cares of Rome on his shoulders, was entitled to declare his own greatness to the Senate and to the people. There are the two important orations, that

[1] De Lege Agraria, ii. 5.

spoken first in the Senate, and then the speech to the people from which I have already quoted the passage personal to Rullus. In both of them he declares his own idea of a Consul and of himself as Consul. He has been speaking of the effect of the proposed law on the revenues of the State, and then proceeds, "But I pass by what I have to say on that matter and reserve it for the people. I speak now of the danger which menaces our safety and our liberty. For what will there be left to us untouched in the Republic, what will remain of your authority and freedom, when Rullus, and those whom you fear much more than Rullus,[1] with this band of ready knaves, with all the rascaldom of Rome, laden with gold and silver, shall have seized on Capua and all the cities round? To all this, Senators,"—Patres conscripti he calls them,—"I will oppose what power I have. As long as I am Consul I will not suffer them to carry out their designs against the Republic.

"But you, Rullus, and those who are with you, have been mistaken grievously in supposing that you will be regarded as friends of the people in your attempts to subvert the Republic in opposition to a Consul who is known in very truth to be the people's friend. I call upon you, I invite you to meet me in the assembly. Let us have the people of Rome as a judge between us. Let us look round and see

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[1] He alludes here to his own colleague Antony, whom through his whole year of office he had to watch lest the second Consul should join the enemies whom he fears,—should support Rullus or go over to Catiline. With this view, choosing the lesser of the two evils, he bribes Antony with the government of Macedonia.

what it is that the people really desire. We shall find that there is nothing so dear to them as peace, and quietness, and ease. You have handed over the city to me full of anxiety, depressed with fear, disturbed by these projected laws and seditious assemblies." It must be remembered that he had only on that very day begun his Consulship. "The wicked you have filled with hope, the good with fear. You have robbed the Forum of loyalty and the Republic of dignity. But now when in the midst of these troubles of mind and body, when in this great darkness the voice and the authority of the Consul has been heard by the people, when he shall have made it plain that there is no cause for fear, that no strange army shall enrol itself, no bands collect themselves; that there shall be no new colonies, no sale of the revenue, no altered empire, no royal 'decemvirs,' no second Rome, no other centre of rule but this, that while I am Consul there shall be perfect peace, perfect ease, do you suppose that I shall dread the superior popularity of your new agrarian law? Shall I, do you think, be afraid to hold my own against you in an assembly of the citizens when I shall have exposed the iniquity of your designs, the fraud of this law, the plots which your Tribunes of the people,—popular as they think themselves,—have contrived against the Roman people? Shall I fear, I who have determined to be Consul after that fashion in which alone a man may do so in dignity and freedom,—resolving to ask nothing for myself which any Tribune could object to have given to me?"[1]

[1] De Lege Agraria, i. 7 and 8.

This was to the Senate, but he is bolder still, when he addresses the people. He begins by reminding them that it has always been the custom of the great officers of state, who have enjoyed the right of having in their houses the busts and images of their ancestors, in their first speech to the people, to join with thanks for the favours done to themselves some records of the noble deeds done by their forefathers.[1] He however could do nothing of the kind. He had no such right. None in his family had achieved such dignity. To speak of himself might seem too proud; but to be silent would be ungrateful. Therefore would he restrain himself,—but would still say something; so that he might acknowledge what he had received. Then he would leave it for them to judge whether he had deserved what they had done for him.

"It is long ago,—almost beyond the memory of us now here,—since you last made a new man Consul.[2] That high office the nobles had reserved for themselves and defended it as it were with ramparts. You have secured it for me,—so that in future it shall be open to any who may be worthy of it. Nor have you only made me Consul, much as that is; but you have done so in such a fashion that but few among the old nobles have been so treated,

[1] The "jus imaginis" belonged to those among whose ancestors were counted an Ædile, a Prætor, or a Consul. The descendants of such officers were entitled to have these images, whether in bronze, or marble, or wax, carried at the funerals of their friends.

[2] Forty years since Marius, who was also "novus homo," and also singularly enough from Arpinum, had been made Consul;—but not with the glorious circumstances as now detailed by Cicero.

—and no new man. 'Novus ante me nemo.' I have, if you will think of it, been the only new man who has stood for the Consulship, in the first year in which it was legal, and who has got it." Then he goes on to remind them in words which I have quoted before that they had elected him by their unanimous voices. All this, he says, had been very grateful to him, but he had quite understood that it had been done that he might labour on their behalf. That such labour was severe, he declares. The Consulship itself must be defended. His period of Consulship to any Consul must be a year of grave responsibility, but more so to him than to any other. To him, should he be in doubt, the great nobles would give no kind advice. To him, should he be overtasked, they would give no assistance. But the first thing he would look for should be their good opinion. To declare now, before the people, that he would exercise his office for the good of the people was his natural duty. But in that place in which it was difficult to speak after such a fashion, in the Senate itself, on the very first day of his Consulship, he had declared the same thing,—"popularem me futurum esse consulem."[1]

The course he had to pursue was noble, but very difficult. He desired certainly to be recognised as a friend of the people, but he desired so to befriend them that he might support also at the same time the power of the aristocracy. He still believed, as we cannot believe now, that there was a residuum of good in the Senate sufficient to blossom

[1] De Lege Agraria, ii. 1, 2, and 3.

forth into new powers of honest government. When speaking to the oligarchs in the Senate of Rullus and his land law it was easy enough to carry them with him. That a Consul should oppose a Tribune who was coming forward with a "Lex agraria" in his hands, as the latest disciple of the Gracchi, was not out of the common order of things. Another Consul would either have looked for popularity and increased power of plundering, as Antony might have done,—or have stuck to his order, as he would have called it, as might have been the case with the Cottas, Lepiduses, and Pisos of preceding years. But Cicero determined to oppose the demagogue Tribune by proving himself to the people to be more of a demagogue than he. He succeeded, and Rullus with his agrarian law was sent back into darkness. I regard the second speech against Rullus as the "ne plus ultra," the very beau-idéal of a political harangue to the people on the side of order and good government.

I cannot finish this chapter in which I have attempted to describe the lesser operations of Cicero's Consulship without again alluding to the picture drawn by Virgil of a great man quelling the storms of a seditious rising by the gravity of his presence and the weight of his words.[1] The poet surely had in his memory some occasion in which had taken place this great triumph of character and intellect combined. When the knights during Cicero's Consulship assayed to take their privileged places in the public theatre

[1] See page 10.

in accordance with a law passed by Roscius Otho a few years earlier, (B.C. 68,) the founder of the obnoxious law himself entered the building. The people enraged against a man who had interfered with them and their pleasures, and who had brought them as it were under new restraints from the aristocracy, arose in a body and began to break everything that came to hand. "Tum pietate gravem!" The Consul was sent for. He called on the people to follow him out of the theatre to the temple of Bellona, and there addressed to them that wonderful oration, by which they were sent away not only pacified but in good humour with Otho himself. "Iste regit dictis animos et pectora mulcet." I have spoken of Pliny's eulogy as to the great Consul's doings of the year. The passage is short and I will translate it.[1] "But Marcus Tullius, how shall I reconcile it to myself to be silent as to you, or by what special glory shall I best declare your excellence? How better than by referring to the grand testimony given to you by the whole nation, and to the achievements of your Consulship as a specimen of your entire life? At your voice the tribes gave up their agrarian law, which was as the very bread in their mouths. At your persuasion they pardoned Otho his law, and bore with good humour the difference of the seats assigned to them. At your prayer the children of the proscribed forbore from demanding their rights of citizenship. Catiline was put to flight by your skill and eloquence. It was you who silenced[2] M. Antony. Hail,

[1] Pliny the elder, Hist. Nat. lib. vii. ca. xxxi.

[2] The word is "proscripsisti," "you proscribed him." For the proper under-

thou who wert first addressed as the father of your country, —the first who in the garb of peace hast deserved a triumph and won the laurel wreath of eloquence." This was grand praise to be spoken of a man more than a hundred years after his death by one who had no peculiar sympathies with him other than those created by literary affinity.

None of Cicero's letters have come to us from the year of his Consulship.

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standing of this, the bearing of Cicero towards Antony during the whole period of the Philippics must be considered.

CHAPTER IX.

CATILINE.

To wash the blackamoor white has been the favourite task of some modern historians. To find a paradox in character is a relief to the investigating mind which does not care to walk always in the well-tried paths or to follow the grooves made plain and uninteresting by earlier writers. Tiberius and even Nero have been praised. The memories of our early years have been shocked by instructions to regard Richard III. and Henry VIII. as great and scrupulous kings. The devil may have been painted blacker than he should be, and the minds of just men, who will not accept the verdict of the majority, have been much exercised to put the matter right. We are now told that Catiline was a popular hero; that, though he might have wished to murder Cicero, he was, in accordance with the practice of his days, not much to be blamed for that; and that he was simply the follower of the Gracchi and the forerunner of Cæsar in his desire to oppose the oligarchy of Rome.[1] In this there is much that is true. Murder was common. He who had seen the

[1] Catiline, by Mr. Beesly. "Fortnightly Review," 1865.

Sullan proscriptions, as both Catiline and Cicero had done, might well have learned to feel less scrupulous as to blood than we do in these days. Even Cicero, who of all the Romans was the most humane,—even he, no doubt, would have been well contented that Catiline should have been destroyed by the people.[1] Even he was the cause, as we shall see just now, of the execution of the leaders of the conspirators whom Catiline left behind him in the city,—an execution of which the legality is at any rate very doubtful. But in judging even of bloodshed we have to regard the circumstances of the time in the verdicts we give. Our consciousness of altered manners and of the growth of gentleness force this upon us. We cannot execrate the conspirators who murdered Cæsar as we would do those who might now plot the death of a tyrant. Nor can we deal as heavily with the murderers of Cæsar as we would have done then with Catilinarian conspirators in Rome, had Catiline's conspiracy succeeded. And so, too, in acknowledging that Catiline was the outcome of the Gracchi, and to some extent the preparation for Cæsar, we must again compare him with them, his motives and designs with theirs, before we can allow ourselves to sympathise with him because there was much in them worthy of praise and honour.

That the Gracchi were seditious no historian has I think

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[1] Pro Murena, xxv. "Quem omnino vivum illinc exire non oportuerat." I think we must conclude from this that Cicero had almost expected that his attack upon the conspirators in his first Catiline oration would have the effect of causing him to be killed.

denied. They were willing to use the usages and laws of the Republic where those usages and laws assisted them, but as willing to act illegally when the usages and laws ran counter to them. In the reforms or changes which they attempted, they were undoubtedly rebels; but no reader comes across the tale of the death, first of one and then of the other, without a regret. It has to be owned that they were murdered in tumults which they themselves had occasioned. But they were honest, and patriotic. History has declared of them that their efforts were made with the real purport of relieving their fellow-countrymen from what they believed to be the tyranny of oligarchs. The Republic even in their time had become too rotten to be saved; but the world has not the less given them the credit for a desire to do good; and the names of the two brothers, rebels as they were, have come down to us with a sweet savour about them. Cæsar on the other hand was no doubt of the same political party. He too was opposed to the oligarchs, but it never occurred to him that he could save the Republic by any struggles after freedom. His mind was not given to patriotism of that sort,—not to memories, not to associations. Even laws were nothing to him but as they might be useful. To his thinking, probably even in his early days, the state of Rome required a master. Its wealth, its pleasures, its soldiers, its power were there for any one to take who could take them,—for any one to hold who could hold them. Mr. Beesly, the last defender of Catiline, has stated that very little was known in Rome of Cæsar till the time of Catiline's conspiracy, and in that

I agree with him. He possessed high family rank, and had been Quæstor and Ædile,—but it was only from this year out that his name was much in men's mouths and that he was learning to look into things. It may be that he had previously been in league with Catiline,—that he was in league with him till the time came for the great attempt. The evidence as far as it goes seems to show that it was so. Rome had been the prey of many conspiracies. The dominion of Marius and the dominion of Sulla had been effected by conspiracies. No doubt the opinion was strong with many that both Cæsar, and Crassus the rich man, were concerned with Catiline. But Cæsar was very far-seeing and, if such connection existed, knew how to withdraw from it when the time was not found to be opportune. But from first to last he always was opposed to the oligarchy. The various steps, from the Gracchi to him, were as those which had to be made from the Girondists to Napoleon. Catiline no doubt was one of the steps,—as were Danton and Robespierre steps. The continuation of steps in each case was at first occasioned by the bad government and greed of a few men in power. But as Robespierre was vile and low whereas Vergniaud was honest and Napoleon great; so was it with Catiline between the Gracchi and Cæsar. There is to my thinking no excuse for Catiline in the fact that he was a natural step,—not even though he were a necessary step between the Gracchi and Cæsar.

I regard as futile the attempts which are made to re-write history on the base of moral convictions and philosophical

conclusion. History very often has been, and no doubt often again will be, re-written, with good effect and in the service of truth, on the finding of new facts. Records have been brought to light which have hitherto been buried, and testimonies are compared with testimonies which have not before been seen together. But to imagine that a man may have been good who has lain under the ban of all the historians, all the poets, and all the tellers of anecdotes,—and then to declare such goodness simply in accordance with the dictates of a generous heart or a contradictory spirit, is to disturb rather than to assist history. Of Catiline we at least know that he headed a sedition in Rome in the year of Cicero's consulship, that he left the city suddenly, that he was killed in the neighbourhood of Pistoia fighting against the generals of the Republic, and that he left certain accomplices in Rome who were put to death by an edict of the Senate. So much I think is certain to the most truculent doubter. From his contemporaries, Sallust and Cicero, we have a very strongly expressed opinion of his character. They have left to us denunciations of the man which have made him odious to all after ages, so that modern poets have made him a stock character and have dramatised him as a fiend. Voltaire has described him as calling upon his fellow-conspirators to murder Cicero and Cato, and to burn the city. Ben Jonson makes Catiline kill a slave and mix his blood, to be drained by his friends. "There cannot be a fitter drink to make this sanction in." The friends of Catiline will say that this shows no evidence against the man. None certainly;—but it is a continued expression

of the feeling that has prevailed since Catiline's time. In his own age Cicero and Sallust, who were opposed in all their political views, combined to speak ill of him. In the next Virgil makes him as suffering his punishment in hell.[1] In the next Velleius Paterculus speaks of him as the conspirator whom Cicero had banished.[2] Juvenal makes various allusions to him, but all in the same spirit. Juvenal cared nothing for history, but used the names of well known persons as illustrations of the idea which he was presenting.[3] Valerius Maximus who wrote commendable little essays about all the virtues and all the vices which he illustrated with the names of all the vicious and all the virtuous people he knew, is very severe on Catiline.[4] Florus who wrote two centuries and a half after the conspiracy gives us of Catiline the same personal story as that told both by Sallust and Cicero, — "Debauchery in the first place, and then the poverty which that had produced, — and then the opportunity of the time, because the Roman armies were in distant lands, induced Catiline to conspire for the destruction

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[1] Æneid, viii. 668 : —

"Te, Catilina, minaci
Pendentem scopulo."

[2] Velleius Paterculus, lib. ii. xxxiv.

[3] Juvenal, Sat. ii. 27. "Catilina Cethegum !" Could such a one as Catiline answer such a one as Cethegus ? Sat. viii. 232.—"Arma tamen vos Nocturna et flammas domibus templisque parastis." Catiline in spite of his noble blood had endeavoured to burn the city. Sat. xiv. 41, "Catilinam quocunque in populo videas." It is hard to find a good man, but it is easy enough to put your hand anywhere on a Catiline.

[4] Val. Maximus, lib. v. viii. 5 ; lib. ix. 1, 9 ; lib. ix. xi. 3.

of his country."[1] Mommsen who was certainly biased by no feeling in favour of Cicero declares that Catiline in particular was "one of the most nefarious men in that nefarious age. His villanies belong to the criminal records not to history."[2] All this is no evidence. Cicero and Sallust may possibly have combined to lie about Catiline. Other Roman writers may have followed them, and modern poets and modern historians may have followed the Roman writers. It is possible that the world may have been wrong as to a period of Roman history with which it has thought itself to be well acquainted. But the world now has nothing to go by but the facts as they have come down to it. The writers of the ages since have combined to speak of Cicero with respect and admiration. They have combined also to speak of Catiline with abhorrence. They have agreed also to treat those other rebels the Gracchi after such a fashion that in spite of their sedition a sweet savour, as I have said, attaches itself to their names. For myself I am contented to take the opinion of the world and feel assured that I shall do no injustice in speaking of Catiline as all who have written about him hitherto, have spoken of him. I cannot consent to the building up of a noble patriot out of such materials as we have concerning him.[3]

[1] Florus, lib. iv.

[2] Mommsen's History of Rome, Book v. chap. v.

[3] I feel myself constrained here to allude to the treatment given to Catiline by Dean Merivale in his little work on the two Roman triumvirates. The Dean's sympathies are very near akin to those of Mr. Beesly, but he values too highly his own historical judgment to allow it to run on all fours with Mr. Beesly's sympathies. "The real designs," he says, "of the infamous Catiline

Two strong points have been made for Catiline in Mr. Beesly's defence. His ancestors had been Consuls when the forefathers of patricians of a later date "were clapping their chopped hands and throwing up their sweaty nightcaps." That scorn against the people should be expressed by the aristocrat Casca was well supposed by Shakespeare; but how did a liberal of the present day bring himself to do honour to his hero by such allusions? In truth, however, the glory of ancient blood and the disgrace attaching to the signs of labour are ideas seldom relinquished even by democratic minds. A Howard is nowhere lovelier than in America, or a sweaty nightcap less relished. We are then reminded how Catiline died fighting, with the wounds all in front, and are told that the "world has generally a generous word for the memory of a brave man dying for his cause, be that cause what it will. But for Catiline none!" I think there is a mistake in the sentiment expressed here. To die readily when death must come is

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and his associates must indeed always remain shrouded in mystery. . . . . Nevertheless it is impossible to deny, and on the whole it would be unreasonable to doubt, that such a conspiracy there really was, and that the very existence of the commonwealth was for a moment seriously imperilled." It would certainly be unreasonable to doubt it. But the Dean, though he calls Catiline infamous and acknowledges the conspiracy, nevertheless gives us ample proof of his sympathy with the conspirators,—or rather of his strong feeling against Cicero. Speaking of Catiline at a certain moment, he says that he "was not yet hunted down." He speaks of the "upstart Cicero,"—and plainly shows us that his heart is with the side which had been Cæsar's. Whether conspiracy or no conspiracy, whether with or without wholesale murder and rapine, a single master with a strong hand was the one remedy needed for Rome! The reader must understand that Cicero's one object in public life was to resist that lesson.